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# LAWS

OF THE

# STATE OF ILLINOIS

ENACTED BY THE

Forty-Sixth General Assembly

AT THE

REGULAR BIENNIAL SESSION

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF  
SPRINGFIELD, ON THE SIXTH DAY OF JANUARY  
A. D. 1909, AND ADJOURNED SINE DIE ON THE  
FOURTH DAY OF JUNE, A. D. 1909.

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# LAWS OF ILLINOIS.

## ADMINISTRATION OF ESTATES.

### AWARD TO WIDOW OR CHILDREN.

§ 1. Amends sections 74, 75 and 77,  
Act of 1872.

§ 74. Widow's award—allow-  
ance for support of  
herself and children.

§ 75. Appraisal of widow's  
award — review by  
court—selection.

§ 77. Allowance to children  
—review—selection.

(SENATE BILL NO. 24. APPROVED JUNE 5, 1909.)

AN ACT to amend sections 74, 75 and 77 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, and as amended in regard to said section 75, by an Act approved June 10, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 74, 75 and 77 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, and as amended in regard to said section 75 by an Act approved June 10, 1897, in force July 1, 1897, be and the same are hereby amended to read as follows:

§ 74. The widow, residing in this State, of a deceased husband whose estate is administered in this State, whether her husband died testate or intestate, shall, in all cases, in exclusion of all debts, claims, charges, legacies and bequests, except funeral expenses, be allowed as her sole and exclusive property forever, except as herein otherwise provided, the following to-wit:

*First*—The family pictures and the wearing apparel, jewels and ornaments of herself and her minor children.

*Second*—Such sum of money as the appraisers may deem reasonable for the proper support of herself and his minor children for the period of one year after the death of the testator or intestate, in a manner suited to her condition in life, taking into account the condition of the estate of the testator or intestate.

Such allowance shall in no case be less than five hundred dollars (\$500), together with an additional sum not to exceed two hundred dollars (\$200), for each minor child of the testator or intestate under eighteen (18) years of age at the time of his death. The amount so allowed for the support of the minor or minors shall be, by the executor

or administrator, paid to the widow in quarterly payments due and payable at the end of each quarter of the year for which the allowance is made. In case such widow dies or abandons such minor child, before the expiration of the year, the amount allowed on account of said minor and remaining unpaid to the widow shall become the property of said minor.

§ 75. The allowance made as aforesaid by the appraisers shall be subject to review by the court and if unreasonable or unjust the court may refer the same back to the same appraisers or may appoint other appraisers to fix such widow's award; or, on petition of the widow, the executor or administrator, heir, legatee or devisee, or creditor of the estate, may hear evidence, and upon such hearing may increase or diminish such award as justice may require. The costs of such hearing shall be taxed by order of the court in such manner as to equity shall appertain.

The widow shall be entitled to receive the amount of her award in money, or she may, at her election, accept payment thereof in whole or in part in personal property of deceased at its appraised value, such selection to be made by her within thirty (30) days after notification in writing of the allowance of her award.

In case such widow is insane, or otherwise incompetent, her conservator shall make the selection, and in case she should die, the administrator of her estate shall make selection for the benefit of her estate.

§ 77. When the person dying is, at the time of his or her death, a housekeeper, the head of a family, and leaves no widow or surviving husband, there shall be allowed to the children of the deceased, residing with him or her at the time of his or her death (including all males under eighteen years of age, and all females), the same amount of property, and money, subject to the review of the court as provided in section 75, as is allowed to the widow for herself and children by this Act, with the same right of selection of chattel property at its appraised value; which selection may be made by the guardian for the minors, and by the conservator for any adult female under disability. Such award may be apportioned as the court may direct.

APPROVED June 5, 1909.

## HEIRSHIP OF DECEASED PERSONS.

§ 1. Validates certain ascertainment  
and declarations.

§ 3. Prima facie evidence of heirship  
—proviso.

§ 2. Authority—jurisdiction — method  
—evidence.

(SENATE BILL NO. 173. APPROVED JUNE 10, 1909.)

AN ACT to render valid the ascertainment heretofore made by any of the probate courts of this State and declaring the heirship of deceased persons, and authorizing such courts hereafter to ascertain and declare such heirship and for other purposes relating thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That where heretofore any courts of this State having and exercising probate jurisdiction, who may have during the progress or pending of the administration of an estate, or when administration was found either not required or necessary, or was not granted, ascertained, and by their judgment order entered of record therein, declared the heirship of any deceased person, then such ascertainment and declaring the heirship is hereby validated.

§ 2. That all courts of this State, having and exercising probate jurisdiction, are hereby declared authorized and jurisdiction is hereby given to them, at any time during the progress or pendency of the administration of the estate of any deceased person, or prior to the probate of any will, without further notice; or if there is no grant of administration, then upon such notice given to all whom it may concern, in such manner as the court may direct, to ascertain, and by their finding and order to be entered of record in the court, declare the heirship of any such deceased person. The evidence upon which such finding is made shall be reduced to writing, either in narrative form or by questions and answers, and certified by the court, and shall be filed by the clerk of said court and remain as a part of the files in said cause.

§ 3. That such orders of the court, declaring such heirship, whether heretofore or hereafter made, shall be deemed and taken as *prima facie* evidence of such heirship: *Provided*, that any other legal mode of proving such heirship may be resorted to in any place or court where the question may arise by any party interested therein.

APPROVED June 10, 1909.

## LETTERS OF ADMINISTRATION—REVOCATION.

§ 1. Amend section 19, Act of 1872.

§ 19. As amended, provides for revocation of letters to public administrator or creditor.

(SENATE BILL NO. 266. APPROVED JUNE 10, 1909.)

AN ACT to amend section 19 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 19 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, be amended so as to read as follows:

§ 19. Letters of administration upon the goods and chattels, rights and credits of a person dying intestate shall not be granted to any person not entitled to the same as husband, widow, next of kin, creditor or public administrator, within seventy-five days after the death of the intestate, without satisfactory evidence that the persons having the preference have relinquished their prior right thereto; and if within said seventy-five days letters of administration of the estate of a resident intestate have been granted to the public administrator or a creditor and it shall afterwards appear that there is a widow or husband or child of such intestate, who was at the time of the death of such intestate a resident of this State, the letters granted to such public administrator or creditor may be revoked, provided application is made by such widow or husband or child within six months after the death of such intestate; and upon such revocation such administrator shall forthwith deliver to his successor such estate subject to disbursements theretofore made and expenses incurred in the administration of said estate.

APPROVED June 10, 1909.

## OATH OF ADMINISTRATOR.

§ 1. Amends section 22, Act of 1872.

§ 22. Form of oath—how administered.

(HOUSE BILL NO. 142. APPROVED JUNE 10, 1909.)

AN ACT to amend section 22 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 22 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872, be amended to read as follows:

§ 22. The county court shall, in all cases, upon granting administration of the goods and chattels, rights and credits of any person having died intestate, require the administrator (public administrators excepted) to take and subscribe the following oath, to-wit: I do solemnly swear (or affirm) that I will well and truly administer all and

singular the goods and chattels, rights, credits and effects of A. B., deceased, and pay all just claims and charges against his estate, so far as his goods, chattels and effects shall extend, and the law charge me; and that I will do and perform all other acts required of me by law to the best of my knowledge and abilities.

Which said oath shall be administered by the clerk of the county court, or any person qualified to administer oaths, and be filed with the clerk of the court.

APPROVED June 10, 1909.

## AGRICULTURE AND HORTICULTURE.

### FARMERS' INSTITUTES—REPORTS.

§ 1. Amends section 4, Act of 1903.

§ 4. AS amended, increases number of reports to be printed and bound.

(SENATE BILL NO. 196. APPROVED JUNE 10, 1909.)

AN ACT to amend section four (4) of "An Act creating the Illinois Farmers' Institute," approved June 24, 1895, as amended by an Act approved May 15, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of "An Act creating the Illinois Farmers' Institute," approved June 24, 1895, as amended by an Act approved May 15, 1903, be and is hereby amended to read as follows:

§ 4. The board of directors of the Illinois Farmers' Institute shall have sole care and disposal of all sums that may be appropriated by the State to sustain the organization, and shall expend the same in such manner as in their judgment will best promote the interests in useful education among farmers and develop the agricultural resources of the State. The Illinois Farmers' Institute shall make annual report to the Governor of its transactions, which report shall include papers pertaining to its work and addresses made at the annual meeting of the organization, and a statement of all moneys received and of all expenditures made, and fifty thousand (50,000) copies of such report shall be printed and bound in cloth on or before September 1, of each fiscal year, three fourths for use of the Illinois Farmers' Institute, and the remainder to the Secretary of State for distribution. It shall make no appropriation without funds in hand to meet the same, and the State of Illinois shall in no event be liable or responsible for debt, obligation, or contract made by the Illinois Farmers' Institute or its board of directors.

APPROVED June 10, 1909.

## STATE BOARD OF AGRICULTURE—MEMBERSHIP, ETC.

§ 1. Amends section 1, Act of 1883.

§ 1. As amended, requires member to be legal resident of district he represents.

(HOUSE BILL NO. 458. APPROVED JUNE 9, 1909.)

AN ACT to amend an Act entitled, "*An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same,*" approved June 23, 1883, in force July 1, 1883; and as amended April 26, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of "*An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same,*" be amended to read as follows:

§ 1. That the Department of Agriculture, for the promotion of agriculture and horticulture, manufactures and domestic arts, shall be continued and shall be managed by a board to be styled "State Board of Agriculture," to consist of a president and one vice president from each congressional district of the State, and of the last ex-president of the State Board of Agriculture, said president and vice president to be elected on the fair grounds on Wednesday of the annual State Fair in 1884, and every two years thereafter on Wednesday of the week of the State Fair, by delegates or alternates or their written proxies, chosen by the several agricultural societies in counties where such societies exist, in the following manner, to-wit: In counties having one agricultural society, such society may appoint three delegates; in counties having two agricultural societies, each society may appoint one delegate, who shall be entitled to one and one-half votes; in counties having three agricultural societies, each society may appoint one delegate, and if either society shall neglect or refuse to appoint such delegate, the delegate or delegates appointed shall be entitled to cast the full vote of the county; and in counties where no agricultural [society] exists, the delegates may be appointed by the board of supervisors or county board, as the case may be; each county may be entitled to three votes, and no more, and each union or district agricultural society shall be accredited to that county in which its fair grounds, or the greater part thereof, shall be located. The members of the State Board of Agriculture shall enter upon the duties of their office on the second Tuesday of January succeeding their election, and hold their office for two years, and until their successors are elected and enter upon their duties. The State Board of Agriculture may fill any vacancy, arising from any cause, by appointment from the district in which the vacancy occurs. No person shall be eligible to hold the position of member of the State Board of Agriculture who does not live, or is not a legal resident, in the district which he represents, and the members of the State Board of Agriculture shall fill any vacancy at its first meeting arising in the district in which the vacancy occurs.

APPROVED June 9, 1909.



## ANIMALS AND BIRDS.

## BOUNTY FOR KILLING CROWS, ETC.

§ 1. Amends section 1, Act of 1907.

§ 1. County board may allow  
bounty—order.

(HOUSE BILL NO. 686. APPROVED JUNE 9, 1909.)

AN ACT to amend section 1 of "An Act to provide for the payment of bounties for killing crows," in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of "An Act to provide for the payment of bounties for killing crows," in force July 1, 1907, be, and the same is hereby amended so as to read as follows:

§ 1. That the county board of any county in this State may hereafter allow such bounty on crows and eggs taken from the nest of any crow as said board may deem reasonable: *Provided*, such board shall enter an order upon its record, setting forth the amount of such allowance for any one year, which bounty shall be paid in the manner hereinafter provided.

APPROVED June 9, 1909.

## BOUNTY FOR KILLING GROUND HOGS.

§ 1. Amends section 1, Act of 1907.

§ 1. County board may allow  
bounty—order.

(HOUSE BILL NO. 687. APPROVED JUNE 9, 1909.)

AN ACT to amend section 1 of "An Act to provide for the payment of bounties for killing ground hogs," approved June 4, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of "An Act to provide for the payment of bounties for killing ground hogs," approved June 4, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

§ 1. That the county board of any county in this State may hereafter allow such bounty on ground hogs as said board may deem reasonable: *Provided*, such board shall enter an order setting forth the amount of such allowance for any one year, which bounty shall be paid in the manner hereinafter provided.

APPROVED June 9, 1909.

## CARRIER PIGEONS.

§ 1. What prohibited—penalty for violation.

(SENATE BILL NO. 91. APPROVED JUNE 5, 1909.)

AN ACT to prohibit the killing, interfering with or injuring carrier pigeons and to provide punishment for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any person not the owner thereof, who shall shoot, kill, maim or injure any Antwerp or homing pigeon, commonly called "carrier pigeon," knowing the same to be such, or who shall entrap, catch, detain, or shall remove any mark, band or other means of identification from such pigeon, provided that such pigeon at the time shall have the name of the owner stamped or marked upon it, or have upon it a band with the owner's name, initial or number thereon, shall be fined for each offense not more than \$25.00 nor less than \$10.00.

APPROVED June 5, 1909.

## CONTAGIOUS AND INFECTIOUS DISEASES AMONG DOMESTIC ANIMALS.

§ 1. Board of Live Stock Commissioners—State Veterinarian.

§ 2. Quarantine—duty of commissioners—slaughter of animals.

§ 3. Schedule and quarantine proclamation—permit—violations.

§ 4. Importation of prohibited stock or materials — regulations — penalty.

§ 5. Removal or shipment of diseased animals by board.

§ 6. Concealing existence of disease —removal or sale of exposed or diseased animals.

§ 7. Fines—how used — prosecuting attorney.

§ 8. Claims for slaughtered animals.

§ 9. Powers of commissioners and State Veterinarian.

§ 10. Coöperation with other officers.

§ 11. Record of proceedings—report —expenditures.

§ 12. Compensation.

(SENATE BILL NO. 357. APPROVED JUNE 14, 1909.)

AN ACT to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Governor shall, with the advice and consent of the Senate, appoint three practical live stock men, not more than two of whom shall be of the same political party, who shall constitute a Board of Live Stock Commissioners, who shall hold their office in the order in which they are named; the first for one year, the second for two years and the third for three years, and their successors in office shall be appointed for three years each. Before entering on the duties of their office they shall each take and subscribe to an oath of office for the faithful performance of their duties as such commissioners, and shall file the same with the Governor. The said Board of Live Stock Commissioners may adopt an official seal, and may authenticate all their official acts with the same and the signature of such member or officer of the board as it may by resolution direct.

The Governor shall appoint a competent veterinary surgeon, who shall be known as the State Veterinarian, who, together with his assistants shall act under the direction of said Board of Live Stock Commissioners in carrying out the provisions of this Act. The said State Veterinarian may, by and with the advice and consent of said board, appoint such assistant State veterinarians as may be necessary, who shall receive pay only for the time actually employed under the direction and by the order of the State Veterinarian or the Board of Live Stock Commissioners.

§ 2. It shall be the duty of said Board of Live Stock Commissioners to cause to be investigated any and all cases, or alleged cases, coming to their knowledge, of communicable diseases among domestic animals, within this State, and to use all proper means to prevent the spread of such diseases, and to provide for the extirpation thereof; and in the event of reasonable ground for the belief that any such communicable disease exists in this State, it shall be the duty of the person owning or having in charge any animal or animals infected with such disease, or any other person having knowledge or reason to suspect the existence of such disease, to immediately notify said Board of Live Stock Commissioners, or some member thereof, by communication to said board or member, of the existence of such disease, and thereupon it shall be the duty of said board, or some member thereof, or authorized agent of the board, immediately to cause proper examination thereof to be made, and if such disease shall be found to be a dangerously contagious or dangerously infectious malady, said board, or any member thereof, or the State Veterinarian, or any assistant State veterinarian, shall order such diseased animals, and such as have been exposed to contagion, and the premises in or on which they are, or which may have been recently occupied by them, to be strictly quarantined; and they shall have power to order any premises and farms where the disease exists, or has recently existed, as well as exposed premises and farms, to be put in quarantine so that no domestic animal which has been or is so diseased, or has been exposed to such communicable disease, be removed from the premises so quarantined, nor allow any animal susceptible to such disease to be brought therein or thereon, except under such rules and regulations as said Board of Live Stock Commissioners may prescribe, which quarantine, and every quarantine established under the provisions of this Act, shall remain in force and effect until removed by order of said board; and said board shall prescribe such regulations as they may deem necessary to prevent any such disease from being communicated from any such diseased animal or exposed animal or from the infected premises or through any other means of communication. In all such cases the said Board of Live Stock Commissioners, or in case the number of animals shall not exceed five, any member thereof, shall have power to order the slaughter of any or all of such diseased or exposed animals. The said board shall also have power to cause to be destroyed all barns, stables, premises, fixtures, furniture and personal property infected with any such commun-

icable disease, so far as in their judgment may be necessary to prevent the spread of such disease and where the same cannot be properly disinfected; and to order the disinfection of all cars, boats or other vehicles used in transporting animals affected with any such communicable disease, or that have been exposed to the contagion thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such diseased or exposed animals.

When the said board, upon the written report of the State Veterinarian, or any of his assistants, determines that any animal is affected with, or has been exposed to any dangerously contagious or infectious disease, the board, or any member thereof, or any of its duly authorized agents, may agree with the owner upon the value of such animal or of any property that it may be found necessary to destroy, and in case such agreement cannot be made, said board, or the member acting in behalf of the board, may appoint three disinterested citizens of the State to appraise such animals or property. Such appraisers shall subscribe to an oath in writing to fairly value such animals or property in accordance with the requirements of this Act, which oath, together with the valuation fixed by such appraisers, shall be filed with the board and be preserved by them. Upon such appraisement being made, it shall become the duty of the owner to immediately destroy such animals and to dispose of the carcasses thereof, and to disinfect the premises occupied by such animals, in accordance with the rules prescribed by said board governing such destruction and disinfection. And upon his failure so to do, said board, or any member thereof, shall cause such animal or animals or property to be destroyed and disposed of, and thereupon such owner shall forfeit all right to receive any compensation for the destruction of such animal or animals or property.

When the board, upon the written opinion of the State Veterinarian, or of any assistant State veterinarian, determines that any barns, stables, outbuildings or premises are so infected that the same cannot be disinfected, they may quarantine such barns, stables, outbuildings or premises from use for the animals that might be infected by such use, and such quarantine shall continue in force and effect until removed by the board, and a violation of such quarantine shall be punished in the same manner as is provided for violations of other quarantine by this Act.

Any person feeling himself aggrieved by any quarantine established under the provisions of this Act may appeal to the full Board of Live Stock Commissioners, who shall thereupon sustain, modify or annul such quarantine, as they may deem proper.

Whenever quarantine is established in accordance with the provisions of this Act, valid notice of the same may be given by leaving with the owner or occupant of any premises so quarantined, in person, or by delivering to any member of his family, or any employé, over the age of ten years found upon the premises so quarantined, notice thereof, written or printed, or partly written and partly printed, and at the same

time explaining the contents thereof. Such quarantine shall be sufficiently proven in any court by the production of a true copy of such notice of quarantine with a return thereon of the service of the same in the manner above required, attested by the seal of the Board of Live Stock Commissioners, with the signature of the proper officer thereof.

§ 3. Whenever said Board of Live Stock Commissioners shall become satisfied that any communicable disease exists among domestic animals in any municipality or geographical district in this State, and in their judgment it is necessary to quarantine such municipality or geographical district in order to prevent the spread of such disease into contiguous territory, they shall report the same to the Governor, who may thereupon, by proclamation, schedule and quarantine such municipality or geographical district, prohibiting all domestic animals of the kind diseased within such municipality or geographical district from being moved from one premises to another or over any public highway or any unfenced lot or piece of ground, or from being brought into, or taken from, such infected municipality or geographical district, except upon obtaining a special permit, signed by the Board of Live Stock Commissioners, or member thereof, or the agent or officer of the board duly authorized by it to issue such permits; and such proclamation shall from the time of its publication bind all persons. After the publication of the aforesaid proclamation, it shall be the duty of every person who owns, or who is in charge of animals of the kind diseased within such municipality or geographical district, to report to said board within one week thereafter the number and description of such animals, location, and the name and address of the owner or person in charge, and during the continuance of such quarantine to report to said board all cases of sickness, deaths or births among such animals. It shall also be the duty of all persons within such municipality or geographical district so quarantined, receiving, having or purchasing domestic animals of the kind diseased, for slaughter, to delay the killing of such animals until a veterinary surgeon, with authority from said board, is present to make a post-mortem examination of the carcass. Any violation of the aforesaid quarantine regulations and prescribed duties shall be visited with like penalties, which may be recovered in like manner, as provided in section 6 of this Act: *Provided*, that nothing contained in this section shall be so construed as to prevent the movement of any animal or animals of the kind diseased through such quarantined territory under such regulations as the Board of Live Stock Commissioners may prescribe and the Governor approve: *And, provided, further*, that no animals of the kind diseased within such municipality or geographical district, slaughtered by order of said board, shall be taken from such municipality or geographical district for slaughter.

§ 4. Whenever said Board of Live Stock Commissioners shall report to the Governor that any communicable disease exists in any other state, territory, district, province or country, or in any portion thereof, or in any locality therein, or that the condition of any domestic animals coming therefrom into this State is such as would render them liable to con-

vey any such disease, he may, by proclamation, schedule such state, territory, district, province or country, or any portion thereof, or any locality therein, and prohibit the importation or bringing therefrom into this State of any live stock of the kind diseased, or of any live stock that has been exposed to such disease, or whose condition would render them liable to convey such disease to other animals, or of any carcasses or portions of carcasses, or of any hay, straw, fodder or other material capable of conveying infection, except under such regulations as may be prescribed by said board and approved by the Governor. Any person, firm, joint stock company or corporation that shall knowingly transport, receive or convey such prohibited stock from the scheduled district into the State of Illinois in violation of any such regulation, or which shall so transport any carcasses, or portions of carcasses, or any hay, straw, fodder or other material capable of conveying infection, which may be prohibited by any rule or regulation of the Board of Live Stock Commissioners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1,000 nor more than \$10,000 for each and every offense, and shall be liable for any and all damages or loss that may be sustained by any person or persons or corporation by reason of such importation or transportation of such prohibited stock, or prohibited materials above mentioned. Such penalty shall be recovered in any county in this State into or through which such stock or material is brought, in any court of competent jurisdiction.

§ 5. Nothing contained in this Act, or any section thereof, shall be interpreted so as to prevent the movement or shipment of diseased or exposed animals under the orders of the board created by this Act, from one place to another by said board or its agents, by driving along the public highway or shipment on cars or steamboats. when, in the opinion of said board, such removal is necessary for the suppression of any communicable disease.

§ 6. Any person who, knowing that any communicable disease exists among his domestic animals, shall conceal such fact, or knowing of the existence of such disease, shall sell any animal or animals so diseased, or any exposed animal, or knowing the same, shall remove any such diseased or exposed animal from his premises to the premises of another, or knowing of the existence of such disease, or exposure thereto, shall drive or lead, or ship any animal so diseased or exposed, by any car or steamboat, to any place in or out of this State; and any person or persons who shall bring any such diseased or knowingly, shall bring any such exposed animal or animals into this State from another state; and any person or persons who shall knowingly buy, receive, sell, convey, or engage in the traffic of such diseased or exposed stock, and any person who shall violate any quarantine regulation established under the provisions of this Act, shall, for each, either, any or all Acts above mentioned in this section, be guilty of a misdemeanor, and, on conviction thereof, or of any one of said Acts, shall be fined in any sum not less than \$25 nor more than \$200, and be imprisoned in the county jail

until the fine and costs are paid, and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this Act.

Any veterinary practitioner having information of the existence of any communicable disease among domestic animals in this State, who shall fail to promptly report such knowledge to said Board of Live Stock Commissioners, shall be fined not exceeding \$500, or be imprisoned in the county jail not more than one year for each offense.

§ 7. All fines recovered under the provisions of this Act shall be paid into the county treasury of the county in which the suit is tried, by the person collecting the same, in the manner now provided by law, to be used for county purposes; and it shall be the duty of State's attorneys in their respective counties to prosecute for all violations of this Act.

§ 8. All claims against the State arising from the slaughter of animals as herein provided for, shall be made to said Board of Live Stock Commissioners, under such rules and regulations as they may prescribe, and it shall be the duty of said board to determine the amount which shall be paid in each case on account of animals so slaughtered, which, unless otherwise provided by law, in cases of animals of the bovine species shall be based on the fair cash value thereof, if in health, for beef, or for dairy purposes, which valuation shall not exceed \$75.00 per head; and in cases of animals of the equine species, shall be based on their fair cash market value, if in health, which valuation shall not exceed \$100 per head, and report the same to the Governor; and the Governor shall endorse thereon his order to the Auditor of Public Accounts, who shall thereupon issue his warrant on the State Treasurer for the same.

§ 9. Said Board of Live Stock Commissioners, and each member thereof, and the State Veterinarian, and his assistants, in the performance of their duties under this Act, shall have power to call on sheriffs and their deputies, constables and police officers, mayors of cities, city and town marshals and policemen, to assist them in carrying out its provisions; and it is hereby made the duty of all such officers to assist in carrying out the provisions of this Act when ordered so to do; and said commissioners, and the State Veterinarian and his assistants shall have, while engaged in carrying out the provisions of this Act, the same powers and protection that other peace officers have, and any such officer who fails or refuses to enforce the lawful orders and quarantine of said board, or any member thereof, or any veterinarian acting under them, in the proper execution of the powers conferred by this Act, shall be guilty of a misdemeanor and be punished as provided in section six of this Act.

§ 10. The said Board of Live Stock Commissioners shall cooperate with any commissioner or other officer appointed by the United States authorities for the suppression of contagious and infectious diseases among domestic animals, so far as the provisions of this Act and the

appropriations made in accordance therewith, will allow, in suppressing and preventing the spread of contagious and infectious diseases among domestic animals in this State.

§ 11. It shall be the duty of said Board of Live Stock Commissioners to keep a record of all their Acts and proceedings, and report the same to the Governor annually, or oftener, if required, for publication. The annual report shall include an itemized statement of all moneys expended by them under this Act, including a statement of all damages recommended by them to be paid for animals slaughtered, and the amounts paid therefor.

§ 12. The members of said board shall receive the sum of \$10.00 per day for each day necessarily employed in the discharge of their duties, their necessary traveling expenses and other incidental expenses necessarily incurred in the performance of their duties under this Act, to be paid on certified and itemized vouchers to be approved by the Governor.

The State Veterinarian shall receive the sum of \$10.00 per day for his services under the provisions of this Act, together with his necessary traveling and incidental expenses, to be certified to by the Board of Live Stock Commissioners and approved by the Governor.

Assistant State veterinarians shall receive for their services the sum of \$8.00 per day for each day actually employed under the direction and by order of the State Veterinarian or the Board of Live Stock Commissioners, together with their necessary traveling and incidental expenses, to be certified to by the Board of Live Stock Commissioners and approved by the Governor.

APPROVED June 14, 1909.

#### STALLIONS—PUBLIC SERVICE REGULATED.

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|--|----------------------------------|
| § 1. Enrollment and verification of pedigree.        | § 6. Advertisement.              |
| § 2. Registration board—appointment—duties—meetings. | § 7. Forms of certificates.      |
| § 3. Affidavit of veterinarian—license certificate.  | § 8. Fees.                       |
| § 4. Disqualification — affidavit of soundness.      | § 9. Inspection—lien.            |
| § 5. Record—temporary license certificate.           | § 10. Penalties.                 |
|  | § 11. Funds—expenses—reports.    |
|  | § 12. Effective January 1, 1910. |

(SENATE BILL NO. 280. APPROVED JUNE 10, 1909.)

AN ACT to regulate the public service of stallions in Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Every person, firm or company standing or offering any stallion for public service in this State shall cause the name, description, and pedigree of such stallion to be enrolled by a stallion registration board hereinafter provided for and secure a license from said board as provided in section 3 of this Act. All enrollment and verification of pedigree shall be done in the office of the secretary of the Illinois State Board of Agriculture. All license cer-



tificates for stallions issued under this Act shall thereupon be presented to and recorded by the register of the deeds of the county or counties in which said stallion is used for public service.

§ 2. In order to carry out the provisions of this Act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register pedigrees; to pass upon certificates of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion license certificates; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this Act. Said board shall hold meetings at the office of the secretary of the Illinois State Board of Agriculture, the first Tuesday and subsequent days of February, May, August and November of each year and such other meetings as may be necessary.

The stallion registration board shall be composed of five members consisting of the secretary of the Illinois State Board of Agriculture, who shall be *ex officio*, secretary and executive officer of this board; the State Veterinarian, who is a member of the State Board of Live Stock Commissioners; the president and the secretary of the Illinois Horse Breeders' Association, who shall not be one and the same person; and the president of the Illinois Farmers' Institute.

§ 3. In order to obtain the license certificate herein provided for, the owner of each stallion shall forward an affidavit signed by a licensed veterinarian to the effect that he has personally examined such stallion and that to the best of his knowledge and belief said stallion is free from hereditary, infectious, contagious, or transmissible disease or unsoundness. The owner of said stallion shall also furnish to the stallion registration board the stud book certificate of registry of the pedigree of the said stallion when said stallion is registered and all other necessary papers relative to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure bred stallions) and receipt of veterinarian's affidavit as provided for in this Act, a license certificate shall be issued to the owner.

§ 4. The presence of any one of the following named diseases shall disqualify a stallion for public service and the inspecting veterinarian is hereby duly authorized to refuse to give an affidavit of soundness to the owner of such stallions affected with any one or more of the diseases herein specified in a transmissible or hereditary form, and the inspecting veterinarian shall so report the same to the secretary of the stallion registration board:

Periodic opthalmia (moon blindness); bone spavin; rimbone; bog spavin; curb when accompanied with curby formation of hock; or any contagious or infectious disease.

§ 5. The stallion registration board shall make and keep records of all stallions enrolled in the State of Illinois, said stallions to be enrolled as "pure bred," "cross bred," or "grade," according as the facts may have been determined. Upon making the enrollment of said stallion the stallion registration board shall issue the above said license.

The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examinations, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificate shall be valid only until veterinary examination can reasonably be made.

§ 6. The owner of any stallion used for public service in this State shall post and keep affixed, during the entire breeding season, copies of the license certificate of such stallion, issued under the provisions of this Act, in a conspicuous place both within and upon the outside of the main door leading to every stable or building where the said stallion is used for public service.

Each bill and poster and each newspaper advertisement shall show the enrollment certificate number and state whether it reads "pure bred, grade or cross bred."

§ 7. The license certificate issued for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the United States Department of Agriculture, Washington, D. C., an Act regulating the importation of breeding animals, approved March 3, 1903, shall be in the following form:

#### ILLINOIS STALLION REGISTRATION BOARD.

Certificate of Pure-Bred Stallion No.....

The pedigree of the stallion (name).....

Owned by .....Bred by .....

Described as follows:

Color ..... (Breed) .....

Foaled in the year....., has been duly examined, and it is hereby certified that the said stallion is registered as number.... in..... stud book, said stud book being recognized and certified to by the secretary of the Department of Agriculture, Washington, D. C. The above named stallion has been examined by..... veterinarian, and is reported as free from infectious, contagious, or transmissible disease or unsoundness, and is licensed to stand for public service in the State of Illinois.

This license expires on.....19....

(Signed).....

Secretary Illinois State Board of Agriculture  
and Stallion Registration Board.

Date .....19....

The license certificate issued for a grade stallion whose sire or dam is not pure-bred shall be in the following form:

## ILLINOIS STALLION REGISTRATION BOARD.

## Certificate of Grade Stallion No.....

The pedigree of the stallion (name).....

Owned by ..... (Bred by).....

Described as follows:

(Color) .....

Foaled in the year....., has been duly examined, and it is hereby certified that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any stud book recognized and certified to by the secretary of the Department of Agriculture, Washington, D. C. The above named stallion has been examined by..... veterinarian, and is reported as free from infectious, contagious, or transmissible disease or unsoundness, and is licensed to stand for public service in the State of Illinois.

This license expires on .....19....

(Signed) .....

Secretary Illinois State Board of Agriculture and Stallion Registration Board.

Date .....19....

The license certificate issued for a stallion whose sire and dam are pure-bred, but not of the same breed, shall be in the following form:

## ILLINOIS STALLION REGISTRATION BOARD.

## Certificate of Cross-Bred Stallion No.....

The pedigree of the stallion (name).....

Owned by ..... (Bred by).....

Described as follows:

(Color) .....

Foaled in the year....., has been duly examined, and it is found that his sire is registered in the.....stud book as number..... and his dam in the.....stud book as number..... volume..... and page.....

Such being the case, the said stallion is not eligible for registration in any stud book recognized and certified to by the secretary of the Department of Agriculture, Washington, D. C. The above named stallion has been examined by ..... veterinarian, and is reported as free from infectious, contagious, or transmissible disease or unsoundness, and is licensed to stand for public service in the State of Illinois.

This license expires on .....19....

(Signed) .....

Secretary Illinois State Board of Agriculture and Stallion Registration Board.

Date .....19....

§ 8. FEES.] A fee of \$2.00 shall be paid to the secretary of the Illinois Stallion Registration Board for the examination and enrollment of each stallion pedigree and for issuance of a license certificate in accordance with the breeding of the stallion as above provided, which shall be good for a period of one year, and to carry out the provisions of this Act. The fee shall be paid to the secretary of the Illinois Stallion Registration Board at the time the application is made for enrollment.

Upon a transfer of the ownership of any stallion enrolled under the provisions of this Act, the certificate of enrollment may be transferred to the transferee by the secretary of the Illinois Stallion Registration Board upon submittal of satisfactory proof of such transfer of ownership and upon payment of a fee of fifty cents. A fee of \$1.00 shall be paid annually for the renewal of a license certificate.

§ 9. Every stallion passing inspection shall be exempt from further inspection, unless from later developments it becomes known, and a complaint is filed, certified to by three men, one of whom shall be a licensed veterinarian, that said stallion has some hereditary contagious or infectious disease, which was not evident at the time of previous inspection. When such complaint is made and a request for inspection is asked for, such complaint shall be filed with the secretary of the Illinois Stallion Registration Board, who shall have another examination made. If such complaint is verified it shall be so reported to the secretary, who shall revoke the license in force: *Provided*, that the owner of any stallion used for public service in this State shall have a lien on all colts sired by said stallion for the service fee for a period of one year from the date of the foaling of said colt.

§ 10. Violation of any of the provisions of this Act shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not exceeding one hundred dollars (\$100.00) for each offense.

§ 11. The funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to provide for the examination of stallions when necessary; to publish reports or bulletins containing lists of stallions examined, which shall be not less than every two years; to encourage the horse breeding interests of this State; to disseminate information pertaining to horse breeding, and for any other such purposes as may be necessary to carry out the purposes and enforce the provisions of this Act. Each member of the above committee, excepting the secretary, shall receive five dollars (\$5.00) per day for each day actually employed under the provision of this Act, together with his traveling expenses; the secretary shall receive for his services an amount agreed upon by the board.

It shall be the duty of the above said stallion registration board to make an annual report, including financial statement, to the Governor of the State, and to enforce this law. All financial records of said board shall be subject to inspection at any time by a public examiner.

§ 12. This Act shall take effect and be in force on and after January 1, 1910.

APPROVED June 10, 1909.

## STALLIONS AND JACKS—PEDIGREE AND BREEDING.

§ 1. Prohibits misrepresentations—penalty.

(HOUSE BILL No. 166. APPROVED JUNE 5, 1909.)

AN ACT to prohibit misrepresentations relative to the pedigree and breeding of stallions and jacks kept for public service and providing a penalty for the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any person, being the owner or keeper of any stallion or jack kept for public service, who shall misrepresent the pedigree or breeding of any such stallion or jack, or who shall represent that such animal, so kept for public service, is registered, when in fact it is not registered in a published volume of a society for the registry of standard and pure breed [bred] animals, or who shall post or publish, or cause to be posted or published, any false pedigree or breeding of such animal, shall be fined not exceeding two hundred dollars (\$200.00), and for the second or any subsequent offense shall be fined not exceeding two hundred dollars (\$200.00) and imprisonment in the county jail for a period of six months.

APPROVED June 5, 1909.

## APPROPRIATIONS.

## AGRICULTURE—COLLEGE OF AGRICULTURE AND EXPERIMENT STATION.

- |                                       |                                      |
|---------------------------------------|--------------------------------------|
| § 1. Appropriates \$50,000 per annum. | § 7. Appropriates \$8,000 per annum. |
| § 2. Appropriates \$25,000 per annum. | § 8. Appropriates \$2,500 per annum. |
| § 3. Appropriates \$15,000 per annum. | § 9. Committees—meetings—reports.    |
| § 4. Appropriates \$60,000 per annum. | § 10. How drawn.                     |
| § 5. Appropriates \$15,000 per annum. |                                      |
| § 6. Appropriates \$15,000 per annum. |                                      |

(HOUSE BILL No. 136. APPROVED JUNE 9, 1909.)

AN ACT to extend the equipment and increase the instruction in the College of Agriculture of the University of Illinois and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be the duty of the College of Agriculture to give thorough and reliable instruction in the economic production of crops; the treatment of the different soils of the State in such manner as to secure the largest returns from each and without impairing its fertility; the principles of breeding and

management of live stock, including animal diseases and a thorough knowledge of the various breeds and market classes; the economic and sanitary production of dairy goods, and the best methods of meeting existing market demands and of extending and developing trade in the agricultural productions of the State. That it shall be the further duty of said college to provide and maintain such live stock specimens, laboratories, apparatus and other material equipment, together with teachers of such experience and skill as shall make such instruction effective. That to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifty thousand dollars (\$50,000.00) annually, for the years 1909 and 1910: *Provided*, that the disposition of the funds, from time to time, to carry out the intent of this Act shall be along lines agreed upon by the dean of the College of Agriculture and an advisory committee consisting of the presidents of the following State agricultural organizations, to-wit: The Illinois Farmers' Institute, the Illinois Live Stock Breeders' Association, the Illinois State Horticultural Society, the Illinois Corn Growers' Association, the Illinois State Dairyman's Association and the Illinois State Florists' Association.

§ 2. That it shall be the duty of the Agricultural Experiment Station to conduct investigations calculated to develop the beef, pork, mutton, wool and horse producing interests of the State, and especially to devise and conduct feeding experiments intended to determine the most successful combination of stock foods, particularly in Illinois grains and forage crops, and to discover the most economical and successful methods of maintaining animals and fitting them for the market; to investigate live stock conditions, both at home and abroad, insofar as they affect market values, and to publish the results of such experiments and investigations. That to carry out the provisions of this section there be and hereby is appropriated the sum of twenty-five thousand dollars (\$25,000.00) annually, for the years 1909 and 1910: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois Live Stock Breeders' Association.

§ 3. That it shall be the duty of the Agricultural Experiment Station to conduct experiments in the several sections of the State, in order to discover the best methods of producing corn, wheat, oats, clover and other farm crops on the different soils and under the various climatic conditions of the State, and for the purpose of improving the varieties grown for special purposes; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1909 and 1910: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed as follows:

Two by the Illinois Corn Growers' Association, one by the Illinois Seed Corn Breeders' Association, and one by the Illinois Grain Dealers' Association and one by the Farmer's Grain Dealers' Association.

§ 4. That it shall be the duty of the Agricultural Experiment Station to make chemical and physical examination of the various soils of the State, in order to identify the several types and determine their character; to make and publish an accurate survey with colored maps, in order to establish the location, extent and boundaries of each; to ascertain by direct experiment in laboratory and field what crops and treatment are best suited to each; whether the present methods are tending to best results and whether to the preservation or reduction of fertility, and what rotations and treatment will be most effective in increasing and retaining the productive capacity of Illinois lands; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of sixty thousand dollars (\$60,000.00) annually for the years 1909 and 1910: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois Farmers' Institute.

§ 5. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of orchard treatment, the culture and marketing of fruits and vegetables, and the most effective remedies for insect and fungous enemies to fruits and vegetables; to make a systematic study of plant breeding, and to develop, by means of crossing and selection, new and improved varieties of fruits and vegetables, and that, to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1909 and 1910: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois State Horticultural Society.

§ 6. That it shall be the duty of the Agricultural Experiment Station to investigate the dairy conditions of the State; to discover and demonstrate improved methods of producing and marketing wholesale milk and other dairy products, and to promote the dairy interests of the State by such field assistance in the dairy sections upon farms and in the creameries and factories as shall tend to better methods and more uniform products; and that to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1909 and 1910: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois State Dairyemen's Association.

§ 7. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of producing plants, cut

flowers and vegetables under glass, and the most effective remedies for disease and insect enemies of the same, to investigate and demonstrate the best varieties and methods of producing ornamental trees, shrubs and plants suitable for public and private ground in the various soils and climatic conditions of the State, and to disseminate information concerning the same; and that to carry out the provisions of this section, there be, and hereby is, appropriated the sum of eight thousand dollars (\$8,000.00) annually for the years 1909 and 1910: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois State Florists' Association.

§ 8. That it shall be the duty of the College of Agriculture through its department of Household Science, to make such investigations and give such instructions and demonstrations as are calculated to advance the Art of Practical House Keeping in the State with special reference to supply practical instructions to those desiring to take special courses in the science relating to and in the art of practical housekeeping, and that to carry out the provisions of this Act there be, and hereby is, appropriated two thousand five hundred [dollars] (\$2,500.00) per annum, for the years 1909 and 1910.

§ 9. That the committees representing the several associations herein named shall meet at such times and places as may be designated by the dean of said college, or the director of the Agricultural Experiment Station, or upon request of a majority of the committee; that they shall serve without compensation, except for expenses, to be paid out of the respective funds, and that said committee shall make to their respective associations, at their annual meetings, full reports of the work in progress under the provisions of this Act.

§ 10. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein appropriated, upon the order of the chairman of the board of trustees of the University of Illinois, countersigned by its secretary, and with the corporate seal of said university, and no installment subsequent to the first shall be paid by the treasurer, nor warrant drawn therefor, until detailed accounts showing expenditures of the preceding installment, have been filed with the Auditor of Public Accounts: *Provided*, that no part of the funds herein appropriated, except in section 1, shall be used for salaries of teachers: *And, provided, further*, that any revenue arising from the operations of the several sections of this Act shall revert to the respective funds from which obtained for further extension of the work outlined. Nothing herein contained shall be deemed to take away from the board of trustees of the University of Illinois the usual authority conferred by law over the expenditure of moneys appropriated to said university. The recommendations of the committee



herein provided for shall be advisory, but the use of the moneys herein appropriated shall rest in the discretion of said board for the purpose herein set forth, and said board shall account therefor.

APPROVED June 9, 1909.

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AGRICULTURE—COUNTY FAIRS AND SOCIETIES.

§ 1. Appropriates \$50,000 per annum. | § 2. How drawn.

(SENATE BILL No. 490. APPROVED JUNE 11, 1909.)

AN ACT *making appropriation for county fairs or other agricultural societies of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of fifty thousand dollars (\$50,000) per annum, or so much thereof as may be annually necessary, be, and the same is hereby appropriated to county fairs or other agricultural societies of the State of Illinois, said appropriation to be divided between such county fairs or agricultural societies which have complied with the conditions prescribed by section 7 of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and Acts amendatory thereof: *Provided*, that the amounts to be paid to any county fair or agricultural society during any one year shall not exceed the sum of seventeen hundred dollars (\$1,700) each.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein appropriated in favor of the several county fairs or agricultural societies of this State who shall have complied with the provisions of section 7 of the Act referred to herein, and the certificate of the State Board of Agriculture, signed by its president and attested by its secretary, shall be required by the Auditor of Public Accounts as proof of such compliance.

APPROVED June 11, 1909.

## AGRICULTURE—FARMERS' INSTITUTES.

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|---|---|
| <p>§ 1. Appropriates \$2,500 per annum for salaries and expenses.</p> <p>§ 2. For superintendent and assistants, \$3,500 per annum.</p> <p>§ 3. For expert judges, instructors, advertising, etc., \$3,000 per annum.</p> <p>§ 4. For expenses of directors, meetings, etc., \$5,000 per annum.</p> | <p>§ 5. For county institutes \$75 each per annum.</p> <p>§ 6. Officers of county institutes to serve without pay.</p> <p>§ 7. How drawn—report.</p> <p>§ 8. How drawn.</p> |
|---|---|

(SENATE BILL NO. 197. APPROVED JUNE 11, 1909.)

AN ACT *making an appropriation for the Illinois Farmers' Institute and county farmers' institutes.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and hereby is appropriated to the Illinois Farmers' Institute the following sums, to-wit: For clerk hire, janitor service, postage, expressage, office library, furniture, incidental office expenses, etc., two thousand five hundred dollars (\$2,500) per annum, for the fiscal years beginning July 1, 1909 and 1910. The Secretary of State shall provide all needful books, papers, stationery and printing required on requisition by the Secretary of the Illinois Farmers' Institute.

§ 2. For the salary of a superintendent, one thousand five hundred dollars (\$1,500 per annum; for assistants to the superintendent, one thousand dollars (\$1,000) per annum; for one stenographer, one thousand dollars (\$1,000) per annum, for the fiscal years beginning July 1, 1909 and 1910.

§ 3. For the per diem and necessary expenses of expert judges, instructors and speakers furnished by the board of directors for county institutes, farmers' study clubs, farmer boys' organizations, home makers' clubs, etc., and for use of the board in furnishing to the daily and weekly newspapers of the State reports of the most approved and successful farm practice and experiment station results, the latest teachings of agricultural science and the educational ideas that are receiving the attention of scientists and foremost farmers, the sum of three thousand dollars (\$3,000) per annum, for the fiscal years beginning July 1, 1909 and 1910.

§ 4. For the actual expenses of the members of the board of directors and officers of the Illinois Farmers' Institute, in the performance of their duties as such members and officers; for the expenses of the district conferences, the expenses of the State institute meeting, and for the incidental expenses in promoting the development of the farmers' institute work throughout the State, five thousand dollars (\$5,000) per annum, for the fiscal years beginning July 1, 1909, and 1910.

§ 5. For the purpose of holding one or more farmers' institute meetings in each county in the State, the sum of seventy-five dollars (\$75) per annum for the fiscal years beginning July 1, 1909 and 1910, said sum to be paid to the treasurer of each county farmers' institute when such

institute shall file with the secretary of the Illinois Farmers' Institute a sworn statement, which shall show that said county farmers' institute has held one or more duly advertised public sessions annually, in accordance with such rules as may be prescribed by the board of directors of the Illinois Farmers' Institute: *Provided*, that if the necessary expenses of a county farmers' institute shall not equal the sum of seventy-five dollars (\$75) as aforesaid, then said warrant shall only be drawn for the sum expended.

§ 6. No officer or officers of a county farmers' institute shall be entitled, as such officer or officers, to receive any moneyed compensation for any service rendered the same.

§ 7. That on the order of the president, approved by the director of the congressional district, the secretary of the Illinois Farmers' Institute shall draw his warrant on the treasurer of the Illinois Farmers' Institute in favor of the treasurer of the county farmers' institute for the sum herein appropriated, seventy-five dollars (\$75) or so much thereof as may be received for its use and benefit, as aforesaid, and it shall be the duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of the said county farmers' institute the said sum, and make annual report to the Governor, as provided by law.

§ 8. The State Auditor is hereby authorized and instructed to draw his warrant for the sums herein specified and deliver the same to the treasurer of the Illinois Farmers' Institute upon his presenting voucher for same, signed by the president and the secretary of said Illinois Farmers' Institute, and the State Treasurer shall pay the same out of any money in the State treasury not otherwise appropriated.

APPROVED June 11, 1909.

#### AGRICULTURE—STATE BOARD.

§ 1. Appropriates \$21,820 per annum for items enumerated.	§ 2. How drawn.
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(SENATE BILL No. 337. APPROVED JUNE 16, 1909.)

*AN ACT making an appropriation for the State Board of Agriculture and county and other agricultural fairs.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated to the State Board of Agriculture the following sums which sums shall be used by the said board for the purposes specified and no other, to-wit:

For the encouragement of an exhibit at the State Fair, the sum of five thousand dollars (\$5,000) per annum for the years 1909 and 1910.

For the salary of the secretary, the sum of three thousand dollars (\$3,000) per annum for the years 1909 and 1910.

For traveling expenses of the members and officers of the board, the sum of two thousand dollars (\$2,000) per annum for the years 1909 and 1910.

For clerk hire, the sum of thirty-six hundred dollars (\$3,600) per annum for the years 1909 and 1910.

For receiving and shipping clerk, the sum of one thousand dollars (\$1,000) per annum for the years 1909 and 1910.

For janitor, the sum of four hundred and twenty dollars (\$420.00) per annum for the years 1909 and 1910.

For the expenses of collecting, compiling and publishing live stock and agricultural statistics, the sum of six hundred dollars (\$600) per annum for the years 1909 and 1910. For maintenance, repairs and care of the Illinois State fair grounds and buildings thereon, the sum of five thousand dollars (\$5,000) per annum for the years 1909 and 1910.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1909 and 1910.

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the State Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated.

APPROVED June 16, 1909.

#### AWARDS BY COURT OF CLAIMS.

§ 1. Appropriates \$13,050 to pay awards to persons named.		§ 2. How drawn.
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(HOUSE BILL NO. 382. APPROVED JUNE 12, 1909.)

*AN ACT making an appropriation for the payment of the amounts awarded by the Court of Claims to certain persons named therein.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated the sum of thirteen thousand and fifty dollars (\$13,050) to pay awards made by the Court of Claims, on the 19th day of December, 1908, to the following persons:

To Oscar A. Rose, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State, to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Mrs. Nettie Grant, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State to operate a private employment agency under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To C. J. Albert, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State, to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Mike Cuculic, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Fiske Teachers Agency, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State, to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Libbie M. Smith, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State, to operate a private employment agency under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Michael DiCosola, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Allesendria Comforti, the sum of four hundred dollars (\$400.00), for license fee paid to the Secretary of State to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To Louis Krampe, the sum of two hundred dollars (\$200.00), for license fee paid to the Secretary of State to operate a private employment agency, under the Act of the General Assembly pertaining thereto, approved April 11, 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

To John F. Devine, administrator, the sum of two thousand dollars (\$2,000.00) damages for the death of Ralph Heeg by drowning, while in the discharge of his duties as a member of the Illinois Naval Reserves.

To John F. Devine, administrator, the sum of two thousand dollars (\$2,000.00), damages for the death of Joseph Pines by drowning, while in discharge of his duties as a member of the Illinois Naval Reserves.

To John F. Devine, administrator, the sum of two thousand dollars (\$2,000.00), damages for the death of Edward M. O'Carroll by drowning, while in discharge of his duties as a member of the Illinois Naval Reserves.

To John F. Devine, administrator, the sum of two thousand dollars (\$2,000.00), damages for the death of Antonio Capodice by drowning, while in discharge of his duties as a member of the Illinois Naval Reserves.

To John F. Devine, administrator, the sum of two thousand dollars (\$2,000.00), damages for the death of Robert E. Schrom by drowning, while in discharge of his duties as a member of the Illinois Naval Reserves.

To J. D. McCarthy, the sum of fifty dollars (\$50.00), damages for hay destroyed, caused by overflow of water from a dam or floodgate, constructed on the grounds of the State for the School of the Deaf at Jacksonville, Illinois.

To Phillip Crippin, the sum of six hundred dollars (\$600.00), damages for injury received by explosion of rifle used by him while in discharge of his duties as a member of the Illinois National Guard.

To E. J. Lebeau, the sum of four hundred dollars (\$400.00), damages for injuries received while in discharge of his duties as a member of Company L, Third Infantry, Illinois National Guard.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer in favor of said persons, respectively, for the amounts herein appropriated, payable out of any money in the treasury [treasury] not otherwise appropriated.

APPROVED June 12, 1909.

#### BEEKEEPERS' ASSOCIATION.

Preamble.

§ 1. Appropriates \$1,000 per annum.

§ 2. How drawn.

§ 3. Receipted vouchers--report.

(SENATE BILL No. 68. APPROVED JUNE 11, 1909.)

*AN ACT making an appropriation for the Illinois State Beekeepers' Association.*

WHEREAS, The members of the Illinois State Beekeepers' Association have for years given much time and labor without compensation in the endeavor to promote the interests of the beekeepers of the State; and,

WHEREAS, The importance of the industry to the farmers and fruit growers of the State warrants the expenditure of a reasonable sum for the holding of annual meetings, the publication of reports and papers containing practical information concerning bee keeping, therefore to sustain the same and enable this organization to defray the expenses of annual meetings, publishing reports, suppressing foul brood among bees in the State, and promote the industry in Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated for the use of the Illinois State Beekeepers' Association the sum of one thousand dollars (\$1,000) per annum for the years 1909 and 1910. For the purpose of advancing the growth and developing the interests of the beekeepers of Illinois, said sum to be expended under the direction of the Illinois State Beekeepers' Association for the purpose of paying the expenses of holding annual meetings, publishing the proceedings of said meetings, suppressing foul brood among bees in Illinois, etc.: *Provided, however,* that no officer or officers of the Illinois State Beekeepers' Association shall be entitled to receive any money compensation whatever for any services rendered for the same, out of this fund.

§ 2. That on the order of the president, countersigned by the secretary of the Illinois State Beekeepers' Association, and approved by the

Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois State Beekeepers' Association for the sum herein appropriated.

§ 3. It shall be the duty of the treasurer of the Illinois State Beekeepers' Association to pay out of said appropriation on itemized and receipted vouchers such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all such expenditures, as provided by law.

APPROVED June 11, 1909.

#### CANAL COMMISSIONERS—BRIDGES.

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|---|-----------------|
| § 1. Appropriates \$20,000 for repairing bridges. | § 3. How drawn. |
| § 2. How repaired.                                |                 |

(HOUSE BILL NO. 645. FILED JUNE 16, 1909.)

AN ACT *making appropriation to repair bridges over the Illinois and Michigan canal at points where highways existed prior to construction of said canal.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there is hereby appropriated the sum of twenty thousand [dollars] (\$20,000) out of the funds in the State treasury, not otherwise appropriated, to be used for the purpose of repairing bridges over the Illinois and Michigan canal, constructed by the State of Illinois, on highways, existing prior to the construction of said canal.

§ 2. Said bridges shall be repaired by and under the direction of the Canal Commissioners out of the appropriations hereby made. The money herein appropriated shall be used for no other purposes than as herein specified.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants on State Treasurer for the money hereinbefore appropriated, upon the order of the Board of Canal Commissioners.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## CANAL COMMISSIONERS—CHICAGO RIVER.

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|--|--|
| § 1. Appropriates \$15,000 for constructing and repairing docks. | § 3. Work to be done by canal commissioners. |
| § 2. How drawn.  |  |

(HOUSE BILL NO. 683. APPROVED JUNE 12, 1909.)

AN ACT to make an appropriation to enable the State to comply with the laws of the United States in relation to the navigability of the Chicago river.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000) be and the same is hereby appropriated for the purpose of constructing and repairing docks along the south fork of the south branch of the Chicago river, as required by the United States government, in order to provide for the navigation of the river, and east of Ashland avenue and adjacent to State property.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum hereby appropriated, upon the order of the president and secretary of the Canal Commissioners, with their corporate seal attached.

§ 3. Said work shall be done by the Canal Commissioners.

APPROVED June 12, 1909.

## CHARITABLE INSTITUTIONS—NORTHERN AND EASTERN HOSPITALS.

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|--|-----------------|
| § 1. Appropriates \$15,000 to Northern Insane Hospital for maintenance until July 1, 1909, and \$20,500 for Psychopathic Hospital at Kankakee. | § 2. How drawn. |
|  | § 3. Emergency. |

(SENATE BILL NO. 234. APPROVED MAY 15, 1909.)

AN ACT making appropriations for the State Charitable Institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this Act, for the purposes herein stated. The sum of \$35,500, and that the appropriations shall be apportioned between the institutions and shall be payable as herein stated, as follows:

To the Illinois Northern Hospital for the Insane, Elgin—	
For maintenance until July 1, 1909 .....	\$15,000.00
To the Illinois Eastern Hospital for the Insane, Kankakee—	
For completing, furnishing and equipping Psychopathic Hospital .....	\$20,500.00

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the institutions herein named, or their order, only on the terms and in the manner now provided by law.



§ 3. WHEREAS, The items of expenditures herein above provided for are absolutely necessary and the appropriations therefor should be made at once, therefore an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED May 15, 1909.

CHARITABLE INSTITUTIONS—ORDINARY.

§ 1. Appropriates \$2,362,500 for year beginning July 1, 1909.	§ 3. How drawn.
§ 2. Appropriates \$2,507,500 for year beginning July 1, 1910.	

(HOUSE BILL NO. 724. APPROVED JUNE 14, 1909.)

AN ACT making an appropriation for the ordinary and other expenses of the State charitable institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this Act, for the year beginning July 1, 1909, the sum of \$2,362,500, payable quarterly in advance, and the said appropriations shall be apportioned among the institutions as follows: To the

Northern Hospital for the Insane, Elgin .....	\$ 205,000
Eastern Hospital for the Insane, Kankakee .....	400,000
Central Hospital for the Insane, Jacksonville .....	225,000
Southern Hospital for the Insane, Anna .....	220,000
Western Hospital for the Insane, Watertown .....	175,000
General Hospital for the Insane, South Bartonville .....	180,000
Asylum for Insane Criminals, Menard .....	40,000
Illinois School for the Deaf, Jacksonville .....	125,000
Illinois School for the Blind, Jacksonville .....	52,500
Illinois Industrial Home for the Blind, Chicago .....	25,000
Asylum for Feeble Minded Children, Lincoln .....	200,000
Soldiers' and Sailors' Home, Quincy .....	200,000
Soldiers' Orphans' Home, Normal .....	67,500
Soldiers' Widows' Home, Wilmington .....	22,500
Illinois Charitable Eye and Ear Infirmary, Chicago .....	50,000
State Training School for Girls, Geneva .....	90,000
St. Charles School for Boys, St. Charles .....	85,000

Total ..... \$2,362,500

§ 2. For the purpose of defraying the ordinary expenses of the State institutions named in this Act for the year beginning July 1, 1910, the sum of \$2,507,500 is appropriated, payable quarterly in ad-

vance, and the said appropriation shall be apportioned among the institutions as follows, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly: To the

Northern Hospital for the Insane, Elgin .....	\$ 205,000
Eastern Hospital for the Insane, Kankakee ....	400,000
Central Hospital for the Insane, Jacksonville .....	225,000
Southern Hospital for the Insane, Anna .....	220,000
Western Hospital for the Insane, Watertown .....	175,000
General Hospital for the Insane, South Bartonville .....	300,000
Asylum for Insane Criminals, Menard .....	40,000
Illinois School for the Deaf, Jacksonville .....	125,000
Illinois School for the Blind, Jacksonville .....	52,500
Illinois Industrial Home for the Blind, Chicago .....	25,000
Asylum for Feeble Minded Children, Lincoln .....	200,000
Soldiers' and Sailors' Home, Quincy .....	200,000
Soldiers' Orphans' Home, Normal .....	67,500
Soldiers' Widows' Home, Wilmington .....	22,500
Illinois Charitable Eye and Ear Infirmary, Chicago .....	50,000
State Training School for Girls, Geneva .....	100,000
St. Charles School for Boys, St. Charles .....	100,000

Total ..... \$2,507,500

[§ 3] § 2. All monies herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only on the terms and in the manner provided in the nineteenth section of an Act entitled, "An Act to regulate the State charitable institutions and the State reform school and to improve their organization and increase their efficiency."

APPROVED June 14, 1909.

#### CHARITABLE INSTITUTIONS—SPECIAL.

§ 1. Appropriates \$1,135,815 to institutions named for purposes enumerated.

§ 2. How drawn.

(HOUSE BILL No. 723. APPROVED JUNE 14, 1909.)

AN ACT making appropriations for the State charitable institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this Act, for the purposes herein stated, for the two years beginning July 1, 1909,

the sum of \$1,135,815.00; and that the appropriations shall be apportioned between the institutions and shall be payable as herein stated, as follows:

To the Northern Hospital for the Insane, Elgin—

Repairs and improvements, \$10,000.00 per annum .....	\$ 20,000 00
Painting, \$2,500.00 per annum .....	5,000 00
Improvement of grounds, \$2,000 per annum .....	4,000 00
Iron bedsteads .....	3,000 00
Live Stock .....	2,000 00
Farm implements and buildings .....	2,500 00
Cold storage and ice plant .....	25,000 00
Re-wiring main building .....	15,000 00
Railroad switch .....	10,000 00
Reconstruction of four dormitories .....	16,000 00
New maple flooring .....	3,000 00
Additional to complete hospital cottage .....	15,000 00
Mechanical stokers and fire walls .....	2,500 00
Total .....	\$123,000 00

To the Eastern Hospital for the Insane, Kankakee—

Repairs and improvements, \$40,000.00 per annum .....	\$ 80,000 00
Improvement of grounds, \$2,000 per annum .....	4,000 00
Painting, \$4,000 per annum .....	8,000 00
Plumbing .....	5,000 00
Maintenance of Psychopathic Institute, two years .....	8,000 00
Iron beds and mattresses .....	7,000 00
Power house and water supply .....	20,000 00
New building complete .....	50,000 00
Total .....	\$182,000 00

To the Central Hospital for the Insane, Jacksonville—

Repairs and improvements, \$12,000 per annum .....	\$ 24,000 00
Improvement of grounds, \$1,500 per annum .....	3,000 00
Painting, \$3,000 per annum .....	6,000 00
Plumbing, \$2,500 per annum .....	5,000 00
Library, \$500 per annum .....	1,000 00
Live stock and farm implements .....	1,500 00
New furniture .....	3,000 00
Bathing and closet facilities .....	15,000 00
Remodeling 16 dining rooms .....	6,000 00
New building complete .....	50,000 00
Greenhouse .....	5,000 00
Total .....	\$119,500 00

To the Southern Hospital for the Insane, Anna—

Ordinary deficit for year ending June 30, 1909 .....	\$ 35,000 00
Repairs and improvements, \$10,000 per annum .....	20,000 00
Improvement of grounds, \$2,000 per annum .....	4,000 00

Farm machinery and stock, \$1,000 per annum .....	\$ 2,000 00
Library, \$500 per annum .....	1,000 00
Painting, \$2,000 per annum .....	4,000 00
Widening road and building retaining wall .....	2,000 00
Cow barn .....	5,000 00
Building addition to store room .....	.....
Purchase of cows .....	2,500 00
Telephone system .....	2,500 00
New plumbing .....	4,000 00
Completion of power plant .....	15,000 00
Fire protection and water supply .....	7,000 00

Total .....	\$104,000 00
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To the Western Hospital for the Insane, Watertown—	
Repairs and improvements, \$10,000 per annum .....	\$20,000 00
Improvement and care of farm and grounds, \$5,000 per annum .....	10,000 00
Library and pictures, \$1,000 per annum .....	2,000 00
Land .....	7,000 00

Total .....	\$39,000 00
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To the General Hospital for the Insane, South Bartonville—	
Repairs and improvements, \$10,000 per annum .....	\$ 20,000 00
Improvement of grounds, \$5,000 per annum .....	10,000 00
Stocking newly acquired farm .....	5,000 00
Hospital for advanced consumptives .....	6,000 00
Industrial building .....	10,000 00
Congregate dining room .....	25,000 00
One Psychopathic cottage .....	30,000 00
Heating plant .....	20,000 00

Total .....	\$126,000 00
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To the Asylum for Insane Criminals, Menard—	
Repairs and improvements, \$2,000 per annum .....	\$4,000 00
Furnishings and refurnishings .....	2,000 00
Library, \$200 per annum .....	400 00

Total .....	\$6,400 00
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To the Illinois School for the Deaf, Jacksonville—	
Repairs and improvements, \$15,000 per annum .....	\$30,000 00
Library, \$500 per annum .....	1,000 00
Laundry machinery .....	2,000 00
Trades industries machinery .....	2,000 00
School wall slates .....	500 00

Total .....	\$35,500 00
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To the Illinois School for the Blind, Jacksonville—	
Repairs and improvements, \$3,500 per annum .....	\$ 7,000 00
Materials for printing, \$500 per annum .....	1,000 00
Teachers' library and apparatus, \$500 per annum .....	1,000 00
Free circulating library for the blind, \$500 per annum ..	1,000 00
Renewing heating system .....	1,500 00
Remodeling buildings !.....	12,000 00

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Total .....	\$23,500 00
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To the Illinois Industrial Home for the Blind, Chicago—	
Repairs and improvements, \$2,500 per annum .....	\$ 5,000 00
Working capital, \$7,500 per annum .....	15,000 00

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Total .....	\$20,000 00
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To the Asylum for Feeble Minded Children, Lincoln—	
Repairs and improvements, \$10,000 per annum .....	\$20,000 00
Improvement of grounds, \$2,000 per annum .....	4,000 00
Painting, \$2,000 per annum .....	4,000 00.
Plumbing, \$2,500 per annum .....	5,000 00
Library, \$500 per annum .....	1,000 00
Bakery .....	3,500 00
Gymnasium apparatus .....	2,000 00
Car and wagon scales .....	500 00
Farm house addition .....	10,000 00
Work shop .....	10,000 00
Farm tiling .....	2,500 00

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Total .....	\$62,500 00
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To the Soldiers' and Sailors' Home, Quincy—	
Repairs and improvements, \$10,000 per annum .....	\$20,000 00
Library, \$600 per annum .....	1,200 00
Painting, \$2,500 per annum .....	5,000 00
Grounds, roads, walks and bridges, \$1,500 per annum ....	3,000 00
Improvement of cemetery .....	1,000 00
Two new boilers .....	13,000 00
New smoke stack .....	5,500 00
Grading around new cottages .....	1,000 00
One heater for exhaust steam .....	700 00
Pipe covering and hot water mains .....	4,500 00
Electric light plant .....	26,000 00

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Total .....	\$80,900 00
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To the Soldiers' Orphans' Home, Normal—	
Repairs and improvements, \$3,000 per annum .....	\$ 6,000 00
Library, \$300 per annum .....	600 00
Fire protection .....	1,000 00
Painting .....	1,615 00

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Re-wiring old building .....	\$ 1,000 00
Concrete walks and floors .....	1,000 00
Industrial shop equipment .....	1,200 00
Installing electric plant .....	3,000 00
Plumbing .....	6,000 00

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Total .....	\$21,415 00
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To the Soldiers' Widows' Home, Wilmington—

Repairs and improvements, \$2,250 per annum.....	\$4,500 00
Improvement of grounds, \$500 per annum .....	1,000 00
Fire protection .....	500 00

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Total .....	\$6,000 00
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To the Illinois Charitable Eye and Ear Infirmary, Chicago—

Repairs and improvements, \$4,000 per annum.....	\$8,000 00
Library and amusement .....	500 00
Fire escape on Peoria street and inside stand pipe and hose	1,500 00
New elevator .....	5,000 00
To complete new addition and roof garden.....	3,000 00

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Total .....	\$18,000 00
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To the State Training School for Girls, Geneva—

Building repairs and improvements, \$6,000 per annum..	\$12,000 00
Paroling and supervising girls .....	1,500 00
Improvement of grounds .....	4,000 00
Farm, garden and stock .....	4,000 00
One cottage .....	25,000 00
Switch track .....	3,000 00
Deficit in building four cottages .....	4,000 00
Furniture and equipment for new building .....	6,000 00
Deficit furniture fund, appropriation 1907 .....	4,000 00
Library .....	500 00
Infirmary and hospital medical supply and work.....	10,000 00

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Total .....	\$74,000 00
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To the St. Charles School for Boys, St. Charles—

Repairs and improvements, \$2,000 per annum .....	\$ 4,000 00
Library and school supplies, \$500 per annum.....	1,000 00
Live stock and implements, \$1,000 per annum.....	2,000 00
Parole officer, \$1,250 per annum .....	2,500 00
Walks .....	1,500 00
Supplies and tools for industrial building, \$1,000 per annum .....	2,000 00
Painting, \$750 per annum .....	1,500 00
Amusements, \$300 per annum .....	600 00
One cottage .....	20,000 00
Furnishing cottage .....	1,500 00
Drainage and sewers .....	5,000 00

Laundry and equipment .....	\$ 3,000 00
Kitchen, bakery and equipment .....	2,000 00
Administration building .....	35,000 00
Furnishing and equipping hospital .....	1,500 00
Additional equipment for power plant and new smoke stack .....	5,000 00
Septic tank .....	500 00
Railroad scales .....	500 00
Furnishing administration building .....	5,000 00
Total .....	\$94,100 00

§ 2. The money herein appropriated shall be due and payable to the trustees of the several institutions herein named, or their order, only on the terms and in the manner now provided by law.

APPROVED June 14, 1909.

DAIRYMEN'S ASSOCIATION.

§ 1. Appropriates \$2,500 per annum. | § 2. How drawn.

(HOUSE BILL No. 196. APPROVED JUNE 11, 1909.)

*AN ACT making an appropriation for the Illinois Dairymen's Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of two thousand five hundred dollars per annum for the years 1909 and 1910 be and the same is hereby appropriated to the said Illinois Dairymen's Association in compiling, publishing and distributing its reports and other necessary expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this Act specified, on bills of particulars certified to by the officials of said association to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED June 11, 1909.

EDUCATIONAL INSTITUTIONS—ORDINARY.

§ 1. Appropriates \$340,000 for the year beginning July 1, 1909.	§ 3. Appropriates interest on college and seminary fund.
§ 2. Appropriates \$340,000 for the year beginning July 1, 1910.	§ 4. How drawn.

(SENATE BILL No. 517. APPROVED JUNE 11, 1909.)

*AN ACT making appropriations for the ordinary expenses of the State educational institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State

institutions named in this Act, for the year beginning July 1, 1909, the sum of \$340,000.00, payable quarterly in advance, and that the said appropriations shall be apportioned among the said institutions as follows:

To the Northern Illinois State Normal School, DeKalb..	\$81,000 00
To the Eastern Illinois State Normal School, Charleston..	61,000 00
To the Illinois State Normal University, Normal.....	83,000 00
To the Western Illinois State Normal School, Macomb....	60,000 00
To the Southern Illinois Normal University, Carbondale.	55,000 00

Total .....	\$340,000 00
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§ 2. For the purpose of defraying the ordinary expenses of said State institutions for the year beginning July 1, 1910, the sum of \$340,000.00 is appropriated, payable quarterly in advance, and that the said appropriation shall be apportioned among the said institutions and at the same rate thereafter until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, as follows:

To the Northern Illinois State Normal School, DeKalb..	\$81,000 00
To the Eastern Illinois State Normal School, Charleston..	61,000 00
To the Illinois State Normal University, Normal.....	83,000 00
To the Western Illinois State Normal School, Macomb....	60,000 00
To the Southern Illinois Normal University, Carbondale..	55,000 00

Total .....	\$340,000 00
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§ 3. That there be, and is hereby, further appropriated to the Illinois State Normal University at Normal, and to the Southern Illinois Normal University at Carbondale, for additional ordinary expenses, to each one-half of the interest on the college and seminary fund.

§ 4. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sum so appropriated for ordinary expenses, quarterly, upon the order of the trustees of said institutions, respectively, signed by the president and attested by the secretary, with the corporate seal attached: *Provided*, that no part of said sum shall be due and payable to any of said institutions respectively, until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and said detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which said statement is made, the total amount received and expended, and the balance on hand at the close of the quarter for which the same is made.

APPROVED June 11, 1909.



## EDUCATIONAL INSTITUTIONS—SPECIAL.

§ 1. Appropriates \$155,926.75 to institutions named for purposes enumerated.

§ 2. How drawn.

(SENATE BILL No. 501. APPROVED JUNE 15, 1909.)

AN ACT making appropriations for the State educational institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this Act for the purposes herein stated, for the two years beginning July 1, 1909, the aggregate amount of which is \$155,926.75, and that the said sums so appropriated shall be apportioned among the said institutions as follows:

To the Northern Illinois Normal School, DeKalb—

For the purchase and installing of one engine and electric generator .....	\$ 3,200 00
For the extension of a brick pavement around the main building .....	1,577 25
For the addition of a second story to the manual training shop, for the extension of gymnasium dressing room and shop .....	4,000 00
For extraordinary repairs on main building .....	1,535 50
For the payment of water bill .....	1,500 00
For science laboratories, \$1,000 per annum .....	2,000 00
For library, \$2,000 per annum .....	4,000 00
For grounds, school garden and green house, \$1,500 per annum .....	3,000 00
For training school building .....	75,000 00
Total .....	\$95,812 75

To the Eastern Illinois State Normal School, Charleston—

For the repairs and improvements .....	\$3,000 00
For library .....	4,000 00
For laboratory .....	1,500 00
For finishing ten rooms in basement, and attic of Woman's building .....	3,000 00
For filters .....	500 00
For screens .....	500 00
Total .....	\$12,500 00

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To the Illinois State Normal University, Normal—	
For equipping and furnishing manual arts building and auditorium .....	\$16,750 00
For alterations, equipment and furniture in main building and gymnasium .....	3,950 00
For painting exterior of main building.....	600 00
For new boiler in heating plant .....	1,500 00
For walks, pavement and macadam drive .....	6,700 00

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Total .....	\$29,500 00
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To the Western Illinois State Normal School, Macomb—	
For additions to library .....	\$3,500 00
For care and improvement of grounds .....	3,500 00
For repairs of building and power house, \$1,500 per annum .....	3,000 00
For expenses of trustees, \$250 per annum .....	500 00
For fencing the Agricultural Experiment Station on the Normal campus .....	500 00

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Total .....	\$11,000 00
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To the Southern Illinois Normal University, Carbondale—	
For granitoid walks .....	\$1,000 00
For frescoing room in main science and library buildings .....	500 00
For new furniture for model school building .....	500 00
For installing domestic science .....	1,000 00
For installing power and lathes in manual training and physical laboratory .....	1,500 00
For new pianos .....	600 00
For fire escapes .....	764 00
For new floors in main building .....	750 00
For electric fixtures in science building .....	500 00

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Total .....	\$7,114 00
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§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for the aforesaid sums of money upon the order of the board of trustees of said educational institutions herein named, respectively, signed by the president and attested by the secretary of said boards, respectively, with the corporate seals of said institutions attached and approved by the Governor: *Provided*, said orders shall be accompanied by statements in detail of all expenditures made in pursuance of the aforesaid appropriations respectively, and no warrant shall be issued until such statements in detail are filed by the respective institutions to which the appropriation is made: *And, provided, further*, that such detailed statements of receipts and expenditures and balance on hand shall be made separately, by such institutions respectively, for each and every appropriation made to said institution.

APPROVED June 15, 1909.

## EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS.

§ 1. Appropriates \$783,500 per annum for salaries, ordinary expenses and items named.

§ 2. Appropriates \$75,500 for additions to plant.

§ 3. How drawn.

(HOUSE BILL No. 115. APPROVED JUNE 14, 1909.)

*AN ACT making appropriations for the University of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the University of Illinois for the payment of salaries and for the ordinary operating expenses, the sum of five hundred and twenty-five thousand dollars (\$525,000) per annum.

For materials for shop practice, the sum of five thousand dollars (\$5,000) per annum.

For increase of historic, scientific and artistic cabinets and collections two thousand dollars (\$2,000) per annum.

For additions to the library, twenty-five thousand dollars (\$25,000) per annum.

For additions to apparatus and appliances, three thousand dollars (\$3,000) per annum.

For fire protection, fifteen hundred dollars (\$1,500) per annum.

For laying pavements and walks, two thousand five hundred dollars (\$2,500) per annum.

For maintenance and extension of the engineering college and expenses of the engineering experiment station, eighty thousand dollars (\$80,000) per annum.

For painting and repairs on buildings and improvements to grounds, seventeen thousand five hundred dollars (\$17,500) per annum.

For carrying on the State Water Survey, five thousand dollars (\$5,000) per annum.

For draining and fencing and repairs on experimental farms, two thousand and five hundred dollars (\$2,500) per annum.

For maintenance of the Department of Social and Political Science and Industrial Economics, including instruction in banking, insurance, railway administration, etc., twenty-five thousand dollars (\$25,000) per annum.

For maintenance of the School of Music, three thousand dollars (\$3,000) per annum.

For equipment and support of the Law School, sixteen thousand and five hundred dollars (\$16,500) per annum.

For equipment and maintenance of the School of Pharmacy, ten thousand dollars (\$10,000) per annum.

For equipment and maintenance of Chemical Laboratory, ten thousand (\$10,000) dollars per annum.

For maintenance of the Graduate School, fifty thousand dollars (\$50,000) per annum.

§ 2. That there be and is hereby appropriated to the University of Illinois the following sums for additions to the plant:

For additional equipment of water station, three thousand dollars (\$3,000) per annum.

Increase of telephone exchange, fifteen hundred dollars (\$1,500).

For enlarging the general heating and lighting plant, fifty thousand dollars (\$50,000).

Stack for law library, ten thousand dollars (\$10,000).

Repairs to and reconstruction in gymnasium, eight thousand dollars (\$8,000).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasurer for the sums hereby appropriated payable out of any money in the treasury not otherwise appropriated upon the order of the board of trustees of said university, attested by its secretary, and the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the University on account of the appropriations hitherto made: *And, provided, further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this Act.

APPROVED June 14, 1909.

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EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS, ENDOWMENT FUND.

§ 1. Appropriates interest on endowment fund.

§ 2. How drawn.

(HOUSE BILL NO. 405. APPROVED JUNE 9, 1909.)

AN ACT *appropriating to the University of Illinois the money granted in an Act of Congress approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under the provisions of an Act of Congress approved July 2, 1862. And the money granted by an Act of Congress approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum or sums of money which may have accrued or may hereafter (before the first day of July, 1911) accrue to the State of Illinois, under the provisions of an Act of the Congress of the United States, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress," approved July 2, 1862; and the money granted

by an Act of Congress approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," are hereby appropriated to the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer it shall immediately be due and payable into the treasury of said university.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, upon the order of the chairman of the board of trustees of said university, countersigned by its secretary and with the corporate seal of said university.

APPROVED June 9, 1909.

EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS, MINING ENGINEERING DEPARTMENT.

§ 1. Establishment.

§ 2. Courses of instruction.

§ 3. Duties of department.

§ 4. Appropriates \$7,500 per annum.

§ 5. How drawn.

(HOUSE BILL NO. 537. APPROVED JUNE 8, 1909.)

AN ACT *authorizing and directing the establishment of a department of mining engineering in the College of Engineering, at the University of Illinois, and providing for the support of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the trustees of the University of Illinois be authorized and directed to establish, in the College of Engineering, at the university, a department of mining engineering.

§ 2. That the said department of mining engineering shall offer such courses of instruction relating to the science and practice of mining as will best serve to train young men for efficient work in the various phases of the mining industry.

§ 3. That in addition to its work of instruction, the said department of mining engineering shall, so far as practicable, concern itself with the development and dissemination of such scientific facts as are likely to be of service in improving the practice of mining, with reference to efficiency in operation, to the security of life in the mines, and to the conservation of the fuel and other mineral resources of the State.

§ 4. That there be and hereby is appropriated to the University of Illinois, to meet the cost of establishing and maintaining the said department of mining engineering, the sum of seven thousand five hundred dollars (\$7,500) per annum.

§ 5. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum hereby appropriated, payable out of any money in the treasury, not otherwise appropriated, upon the order of the Board of Trustees of said University, attested by its secretary and with the corporate seal of said university thereto attached.

APPROVED June 8, 1909.

## EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS, NEW BUILDING.

§ 1. For new university hall \$250,000. | § 2. How drawn.

(HOUSE BILL NO. 128. APPROVED JUNE 14, 1909.)

AN ACT *making appropriation for the erection of buildings for the University of Illinois.*

WHEREAS, The University of Illinois has grown with such great rapidity as to outrun all facilities in building and equipment which have been thus far provided, and

WHEREAS, The trustees represent that they need now for the present work of the institution, among others, the following buildings and equipment, costing approximately the sum set opposite the same, namely:

Administration building, two hundred and fifty thousand dollars .....	\$ 250,000
Armory, one hundred and fifty thousand dollars .....	150,000
New university hall, two hundred and fifty thousand dollars .....	250,000
Addition to library building, one hundred and fifty thousand dollars .....	150,000
Agricultural buildings, seven hundred and fifty thousand dollars .....	750,000
Music and art building, including school of architecture, two hundred and fifty thousand dollars .....	250,000
Enlargement of engineering buildings, two hundred and fifty thousand dollars .....	250,000
Law library stacks, fifty thousand dollars .....	50,000
Museum building, two hundred and fifty thousand dollars .....	250,000
Housing the medical school, five hundred thousand dollars..	500,000
Materials for testing laboratory, two hundred and fifty thousand dollars .....	250,000
Transportation laboratory, one hundred and fifty thousand dollars .....	150,000
Total .....	\$3,250,000

WHEREAS, The trustees of the University of Illinois have urgently requested that at least the sum of two hundred and fifty thousand dollars (\$250,000) be appropriated by the Legislature as a special grant for this purpose in addition to other grants for the running expenses and support of the various departments of the university; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two hundred and fifty thousand dollars (\$250,000) be and is hereby appropriated out of

any funds in the State treasury not otherwise appropriated for the purpose of erecting and equipping the following building, costing not to exceed the sum set opposite the same, namely:

New university hall ..... \$250,000

Total ..... \$250,000

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon the presentation of proper vouchers, so certified as aforesaid and the said Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 14, 1909.

#### FIREMEN'S ASSOCIATION.

Preamble.

§ 1. Appropriates \$500 per annum.

§ 2. No salary to be paid any officer.

§ 3. Annual report.

§ 4. How drawn.

(HOUSE BILL NO. 68. APPROVED JUNE 11, 1909.)

*AN ACT to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association.*

WHEREAS, The Illinois Firemen's Association is an organization representing the firemen, especially the volunteer firemen of the State, and is organized under the laws of this State; and,

WHEREAS, The aims of the Illinois Firemen's Association are the education of firemen in the fire service, and the betterment of the service in the several towns and cities of the State, for which purpose annual meetings are held for the discussion of topics on the subject, and the hearing of suggestions that are of great value to the membership (made up of the fire departments of the State of Illinois) therefore, to help sustain this organization in the holding of its annual meetings and the printing of its reports, and to otherwise promote the usefulness of this meritorious organization, the fire fighters, who voluntarily give their service in the protection of lives and homes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Illinois Firemen's Association the following sums, to-wit: For the printing and distribution of its programs, its annual report of proceedings, organization, postage, stationery, expenses of the annual meeting, the dissemination of information pertaining to the business of the organization, the sum of five hundred dollars (\$500) per annum.

§ 2. No part of the said one thousand dollars (\$1,000) shall be paid as salary to any officer of the Illinois Firemen's Association.

§ 3. The secretary and treasurer of the association shall make an annual statement to the Governor on or before January 1 of each and every year, of the disposition of the said appropriation.

§ 4. The State Auditor is hereby authorized to draw his warrant for the sum herein specified, and to deliver the same to the president and treasurer of the Illinois Firemen's Association upon their presenting proper vouchers for the same, signed by the president and secretary of said Association, and the State Treasurer shall pay out of any money in the State treasury not otherwise appropriated.

APPROVED June 11, 1909.

FUGITIVES FROM JUSTICE—DEFICIENCY.

§ 1. Appropriates \$15,000 — how drawn. | § 2. Emergency.

(SENATE BILL NO. 56. APPROVED JUNE 8, 1909.)

*AN ACT making an appropriation to meet a deficiency in the expenses for returning fugitives from justice.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary to pay the expenses already incurred and to be incurred before the first day of July, 1909, for the apprehension and delivery of fugitives from justice, to be paid on evidence required by law, certified and approved by the Governor.

§ 2. WHEREAS, An emergency exists, therefore, this Act shall be in force from and after its passage and approval.

APPROVED June 8, 1909.

GENERAL ASSEMBLY, 45TH—FUNERALS OF RICHARD POWERS AND PAUL FINNAN.

§ 1. Appropriates \$683. | § 3. Emergency.  
§ 2. How drawn.

(HOUSE BILL NO. 229. APPROVED JUNE 10, 1909.)

*AN ACT to make an appropriation to defray certain expenditures made by members of the Illinois House of Representatives, in the 45th General Assembly of the State of Illinois, in the expenses of and attendance upon the funerals of Honorable Richard Powers and Honorable Paul Finnan, deceased members of the House of Representatives of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and hereby is, appropriated the sum of six hundred and eighty-three dollars (\$683.00) to defray the actual and necessary expenditure made by members of the Illinois House of Representatives, in the 45th General Assembly of the



State of Illinois, in the expense of, and attendance upon, the funerals of the Honorable Richard Powers and the Honorable Paul Finnan, deceased members of the House of Representatives of the State of Illinois.

§ 2. The Auditor of the State of Illinois is hereby authorized and directed to draw his warrant upon the State Treasurer of the State of Illinois for the said above amount.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage.

APPROVED June 10, 1909.

GENERAL ASSEMBLY, 46TH—COMMITTEE EXPENSES.

§ 1. Appropriates \$15,000 for committee expenses.	§ 2. How drawn.
	§ 3. Emergency.

(SENATE BILL NO. 37. APPROVED MARCH 3, 1909.)

*AN ACT making an appropriation for the payment of committee expenses of the Forty-sixth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the committees of the Forty-sixth General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sum herein appropriated, said warrants to be drawn only on itemized bills certified by the chairman of the committee incurring the expenses, and approved by the presiding officer of that branch of the General Assembly appointing the committees. Before any warrants shall be drawn for the payment of the expenses of special committees, the secretary of the Senate and the clerk of the House shall furnish the Auditor with certified copies of resolutions or other records of the appointment of such special committees.

§ 3. WHEREAS, An emergency exists, this Act shall take effect and be in force upon its passage.

APPROVED March 3, 1909.

GENERAL ASSEMBLY, 46TH—EMPLOYEES.—1.

§ 1. Appropriates \$100,000 — how drawn.	§ 2. Emergency.
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(SENATE BILL NO. 1. APPROVED JANUARY 22, 1909.)

*AN ACT making appropriations for the payment of employes of the Forty-sixth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of \$100,000, or so much thereof as may be neces

sary, to pay the employ  s of the Forty-sixth General Assembly at the rate of compensation allowed by law. Said employ  s to be paid upon rolls certified to by the presiding officers of the respective houses, or by the Secretary of State, as provided by law.

   2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists and this Act shall take effect from and after its passage.

APPROVED January 22, 1909.

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GENERAL ASSEMBLY, 46TH—EMPLOY  S—2.

�� 1. Appropriates \$30,000 — how drawn.		�� 2. Emergency.
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(SENATE BILL NO. 449. APPROVED MAY 15, 1909.)

AN ACT *making appropriations for the payment of employ  s of the Forty-sixth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated the sum of \$30,000, or so much thereof as may be necessary, to pay the employ  s of the Forty-sixth General Assembly at the rate of compensation allowed by law. Said employ  s to be paid upon pay rolls certified to by the presiding officers of the respective houses, or by the Secretary of State.

   2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED May 15, 1909.

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GENERAL ASSEMBLY, 46TH—INCIDENTALS.

�� 1. Appropriates \$33,000.		�� 3. Emergency.
�� 2. How drawn.		

(SENATE BILL NO. 2. APPROVED JANUARY 22, 1909.)

AN ACT *to provide for the incidental expenses of the Forty-sixth General Assembly of the State of Illinois, and for the care and custody of the State house and grounds, to be incurred and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of \$33,000, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-sixth General Assembly, or either branch thereof, or to be expended by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State, as provided by law.

   2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums

herein specified upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-sixth General Assembly, therefore an emergency exists, and this Act shall take effect from and after its passage.

APPROVED January 22, 1909.

GENERAL ASSEMBLY, 47TH, AND STATE OFFICERS.

§ 1. Appropriates \$2,200,000.

(HOUSE BILL NO. 704. APPROVED JUNE 12, 1909.)

AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of two million, two hundred thousand dollars (\$2,200,000), or so much [thereof] as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rates of compensation as are now or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the next General Assembly.

APPROVED June 12, 1909.

GRAND ARMY OF THE REPUBLIC.

§ 1. Appropriates \$2,000.

§ 3. How drawn.

§ 2. Payable annually.

(HOUSE BILL NO. 634. APPROVED JUNE 8, 1909.)

AN ACT making an appropriation for the payment of the printing and of the publication expenses of the Grand Army of the Republic, of the Department of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of two thousand dollars (\$2,000.00) be appropriated for the Grand Army of the Republic, of the Department of Illinois, for the purpose of paying for the printing and publishing bills and other contingent expenses of a similar nature incurred by said organization for the purpose of keeping a permanent record of the soldiers and sailors of the Civil War.

§ 2. That of the aforesaid sum appropriated the sum of one thousand dollars (\$1,000.00) shall be available annually for the purposes above named.

§ 3. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for the sum herein

appropriated; said warrants to be drawn only upon itemized bills, signed by the Department Commander and Assistant Adjutant General of the Grand Army of the Republic, Department of Illinois, and approved by the Governor, and the State Treasurer is hereby directed to pay said warrants, drawn as aforesaid, out of any funds in the State treasury not otherwise appropriated.

APPROVED June 8, 1909.

#### GRANT HOME ASSOCIATION.

Preamble.

§ 1. Appropriates \$3,500 for improvements.

§ 2. How drawn.

(HOUSE BILL No. 189. APPROVED JUNE 12, 1909.)

AN ACT *making an appropriation for the Illinois Grant Home Association.*

WHEREAS, The Grant Home at Galena is supplied only with cistern water, which during the past year was infected with typhoid bacilli; and,

WHEREAS, The Forty-fourth General Assembly recognized the patriotic duty of the State to aid in restoring said Home; and,

WHEREAS, The Illinois Grant Home Association, incorporated under the laws of the State of Illinois and having in charge the Home occupied by General Ulysess S. Grant when he was a citizen of Galena, desires to run a water main to said Home for the preservation of the public health; and also erect suitable cement walk and steps thereto, in order that said Home may be as accessible to the people as it justly deserves, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand five hundred dollars (\$3,500.00) be, and the same is hereby appropriated to the Illinois Grant Home Association for the purpose of laying water main, constructing cement walk and steps to the Grant Home in the city of Galena and otherwise improving said Home, the same to be expended under the direction of the Illinois Grant Home Association.

§ 2. The Auditor of Public Accounts is hereby required to draw his warrant on the Treasurer of the State of Illinois for the above specified sum, mentioned in section one (1) of this Act, payable to the order of the said Illinois Grant Home Association.

APPROVED June 12, 1909.

## HISTORICAL LIBRARY—PROCURING DOCUMENTS.

§ 1. Appropriates \$5,000 per annum—how expended.

(HOUSE BILL NO. 524. APPROVED JUNE 8, 1909.)

AN ACT making appropriations for procuring documents, papers and materials and publications relating to the Northwest and the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of five thousand dollars (\$5,000) per annum be and the same is hereby appropriated for the purpose of procuring copies of papers, documents, materials and publications relating to the Northwest and the State of Illinois, and publishing the same, the same to be expended by the trustees of the Illinois State Historical Library, with the sanction of the Governor.

APPROVED JUNE 8, 1909.

## HORTICULTURAL SOCIETY.

§ 1. Appropriates \$5,000 per annum. | § 2. How drawn.

(HOUSE BILL NO. 190. APPROVED JUNE 11, 1909.)

AN ACT making an appropriation in aid of the Illinois State Horticultural Society.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby, appropriated for the use of the Illinois State Horticultural Society, the sum of five thousand dollars (\$5,000.00) per annum, for the purpose of advancing the growth and development of the horticultural interests of the State for the years 1909 and 1910, said sum to be expended by said society for the purpose and in the manner specified in "An Act to organize the Illinois State Horticultural Society," approved March 24, 1874: *Provided, however,* that no portion thereof shall be paid for or on account of any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars per annum: *And, provided, further,* that one thousand dollars (\$1,000.00) of said sum may be expended each year in field experiments.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this Act specified on bills [of] particulars certified to by the officials of said society to the order of the president of said society and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED JUNE 11, 1909.

## INSURANCE DEPARTMENT—PURCHASE OF A SAFE.

- |   |                 |
|---|-----------------|
| § 1. Appropriates \$1,900 for the purchase of a safe. | § 3. Emergency. |
| § 2. How drawn.                                       |                 |

(SENATE BILL NO. 169. APPROVED MAY 7, 1909.)

AN ACT to provide for the purchase of a safe for the Insurance Department and making appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated to the Insurance Superintendent for the purchase of a safe for use in the Insurance Department the sum of \$1,900.00, or such part thereof as may be necessary for such purpose.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum hereby appropriated upon presentation of a proper voucher, certified to by the Insurance Superintendent, and approved by the Governor.

§ 3. WHEREAS, An emergency exists this Act shall be in force and effect from and after its passage.

APPROVED May 7, 1909.

## INVESTIGATIONS—EMPLOYMENT COMMISSION.

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|--|-----------------|
| Preamble.                                  | § 2. How drawn. |
| § 1. Appropriates \$1,296.50 for expenses. |                 |

(SENATE BILL NO. 521. APPROVED JUNE 11, 1909.)

AN ACT making an appropriation for the expenses of a commission appointed by the Governor of this State under and by virtue of Senate Joint Resolution No. 19 of the Forty-fifth General Assembly, adopted by the Senate May 11, 1907, and concurred in by the House of Representatives, November 27, 1907.

WHEREAS, The Senate of the State of Illinois did, on May 11, 1907, adopt a resolution known as Senate Joint Resolution No. 19, which resolution is in words and figures as follows, to-wit:

*“Resolved, by the Senate, the House of Representatives concurring herein:* That the Governor is hereby authorized and requested to appoint a commission consisting of three representative men who are either manufacturers or employers of labor, three representative men who are employes, one representative man learned in the law, one representative man who is a physician or one who is familiar with the standard of sanitation, and one representative citizen who is neither an employer of labor nor an employe, who shall serve without remuneration, and whose duties shall be to thoroughly investigate and report to the Governor, by bill or bills or otherwise, the most advisable method or methods for providing for the health, safety and comfort of the employes of factories, mercantile establishments, mills and workshops in this State, for consideration and action by members of the Forty-sixth General Assembly.

The secretary of the Bureau of Labor Statistics shall be secretary of said commission and keep a record of its proceedings and furnish all necessary information to the same;" and,

WHEREAS, The House of Representatives of the State of Illinois did, on November 27, 1907, concur in said resolution; and,

WHEREAS, The Governor of the State of Illinois did, on the 22d day of September, 1908, appoint Charles Piez, E. E. Baker, Edwin R. Wright, Samuel A. Harper, P. A. Peterson, H. B. Favill, David Ross, Graham Taylor, Peter W. Collins and William Rossell as such commission, authorized by said joint resolution; and,

WHEREAS, Said commission has thoroughly investigated the most advisable method or methods for providing for the health, safety and comfort of the employes of factories, mercantile establishments, mills and workshops in this State, and has submitted its report to the Governor of the State of Illinois with a proposed bill entitled, "A bill for an Act to provide for the health, safety and comfort of employes in factories, mercantile establishments, mills and workshops in this State and to provide for the enforcement thereof," for consideration and action by the Forty-sixth General Assembly; and,

WHEREAS, Said commission, pursuant to the terms of said joint resolution, has served without remuneration and has incurred some expense in making its investigations and preparing its said bill and report, an account of which said expenses has been submitted to the Governor with said bill and report, amounting to one thousand two hundred ninety-six dollars and fifty cents; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, appropriated the sum of one thousand two hundred ninety-six dollars and fifty cents, for the purpose of paying the expenses of said commission, appointed by the Governor on September 22, 1908, under Senate Joint Resolution No. 19, of the Forty-fifth General Assembly of the State of Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants in favor of the chairman of said commission on the treasurer on the presentation of proper vouchers certified by said chairman and approved by the Governor, for the payment of said expenses, according to the statement thereof submitted to the Governor with the report of said commission.

APPROVED June 11, 1909.

## INVESTIGATIONS—FIRE INSURANCE COMMISSION.

§ 1. Appropriates \$5,000 for purposes enumerated.

§ 3. Filing report.

§ 2. How drawn.

(HOUSE BILL NO. 711. APPROVED JUNE 9, 1909.)

AN ACT to appropriate the sum of five thousand dollars to pay for the services and expenses of the commission appointed under and pursuant to Senate Joint Resolution No. 24, to obtain information and report to the General Assembly their judgment as to the advisability of enacting a law regulating fire insurance rates in this State, and to pay for other expenses connected with their investigation, and extending the time for the report of said commission.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the expenses and services of the commission appointed under and pursuant to Senate Joint Resolution No. 24, to obtain information and report to the General Assembly their judgment as to the advisability of enacting a law regulating fire insurance rates in this State, and to pay for other expenses connected with their investigation, including the services and expenses of a stenographer and the expenses attending the subpoenaing and compelling the attendance of witnesses, the production of documents, exhibits and other information and including also the fees and mileage of such witnesses, which shall be the same as allowed in courts of record: *Provided*, that the members of said commission shall each receive the sum of \$15 and no more for each day occupied in said investigation, said \$15 to cover both their services and expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum hereby specified, or any part thereof, upon the presentation of the proper voucher or vouchers signed by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. Said commission shall file its report on the first day of the session of the next General Assembly in both houses.

APPROVED June 9, 1909.



## INVESTIGATIONS—MINING COMMISSION.

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|--|--|
| § 1. Commission appointed by Governor. | § 4. Reports.                                    |
| § 2. Power and authority.              | § 5. Compensation—employes.                      |
| § 3. Meetings—organization.            | § 6. Appropriates \$25,000 — how drawn—printing. |

(HOUSE BILL NO. 719. APPROVED JUNE 10, 1909.)

*AN ACT to establish the Mining Investigating Commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That a commission be established to be known as the Mining Investigation Commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the Governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the Governor.

Each member of the said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

§ 2. In making any investigation as contemplated in this Act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in courts of record and shall be paid out of the appropriation hereinafter made.

And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission.

Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper and shall

have the same power to enforce such rules and to preserve order and decorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

§ 3. Said commission shall meet at the State Capitol building in Springfield, on the second Tuesday after notice of their appointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings.

Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time.

Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois, as may be fixed by the said commission.

A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon request [receipt] of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place thereof. And no such meeting shall be held less than five days after the mailing of notice of the said meeting to the members of said commission by the secretary.

Such called meeting shall be held either in Springfield or Chicago.

§ 4. Said commission shall report to the Governor and to the General Assembly at its next regular session, submitting so far as they have unanimously agreed, a proposed revision of coal mining laws of the State, together with such other recommendations as to the commission shall seem fit and proper, relating to coal mining in the State of Illinois.

And where there is not unanimous agreement upon any recommendation there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objections to the reports of other members of the commission. Upon the filing of the above mentioned reports, recommendations and objections the duties and functions of said commission shall cease.

§ 5. The members of said commission who are coal mine owners and coal miners as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of \$10.00 per day for each day actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of such commission.

Said commission may appoint a stenographer or clerk and such other employes as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

§ 6. The sum of twenty-five thousand dollars (\$25,000.00), or as much thereof as may be necessary, is hereby appropriated for the postage, stationery, clerical and expert services, and incidental traveling expenses of the commission, and the per diem of members as herein authorized, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, in payment of any expenses, charges or disbursements authorized by this Act, on order of this commission, signed by its chairman, attested by its secretary, and approved by the Governor.

The State Board of Contracts is hereby authorized and directed to provide all necessary printing for the mining investigation commission, and testimony taken by it shall be reported in full and may be published from time to time by the commission.

APPROVED June 10, 1909.

#### INVESTIGATIONS—PUBLIC LAND COMMITTEE.

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|---|-----------------|
| § 1. Appropriates \$5,000 for special purposes and \$10,000 for general purposes. | § 2. How drawn. |
|   | § 3. Emergency. |

(HOUSE BILL NO. 244. APPROVED APRIL 19, 1909.)

*AN ACT to provide for the expenses of the committee heretofore authorized by joint resolution of the House and Senate of February 24, 1909, to be appointed to investigate the interests of the State of Illinois in certain public lands in said joint resolution referred to, and making an appropriation of fifteen thousand dollars (\$15,000) therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* For the purpose of paying the expenses hereafter to be incurred by the joint investigating committee to inquire into the rights of the public in certain lands heretofore authorized to be appointed by joint resolution of the House of Representatives and the Senate of Illinois, which said joint resolution passed the House of Representatives on February 24, 1909, and passed the Senate of Illinois on February 24, 1909, and for the purpose of paying the incidental expenditures connected with said investigation, there is hereby appropriated, for the use of said committee, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be required. Five thousand dollars (\$5,000), of said amount shall only be authorized to be used by said committee for the purpose of employing engineers, collecting and compiling data, making maps, plats and diagrams and in surveying said lands and in procuring abstracts, maps, field notes, surveys and other records, and in the compilation of engineers' and surveyors' reports, as required by said joint resolution to be made to the Governor of the State, and to the Forty-seventh General Assembly. Ten thousand dollars (\$10,000), of said appropriation shall be available as hereinbefore stated for the general purposes of said com-

mittee. All expenditures of said committee shall be certified to by the chairman of the said committee and the Speaker of the House of Representatives, or the Lieutenant Governor of Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of proper vouchers so certified as aforesaid, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above cited is necessary for the expenses incurred in the transaction of the business of the Forty-sixth General Assembly and it being expedient that said investigation should be commenced at the earliest possible date, therefore, an emergency exists, and this Act shall take effect from and after its passage.

APPROVED April 19, 1909.

#### INVESTIGATIONS—STARVED ROCK.

Preamble.

§ 1. Appointment—expenses.

§ 2. Appropriates \$1,000—how drawn.

§ 3. Duties—report.

(HOUSE BILL NO. 430. APPROVED JUNE 9, 1909.)

*AN ACT for the appointment of a commission to investigate and report on the preservation of certain lands for public parks for the State of Illinois, and to make an appropriation to pay the expenses of said commission.*

WHEREAS, The historical spot where the great tribe of the Illini made their last stand, surrounded by Indians from the north, and the site of the French fort of Saint Louis, now known as Starved Rock, on the Illinois river, in LaSalle county, is worthy of being preserved and improved as a public park by the State of Illinois; and,

WHEREAS, There are other regions within the State of such historic interest or scenic beauty as to make their acquisition for State parks desirable:

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Governor of this State be, and he is hereby authorized to appoint a commission of five members, to be known as the Illinois Park Commission. The members of said commission shall serve without compensation, except that their actual expenses, when necessarily absent from their homes on said business, shall be paid.

§ 2. There is hereby appropriated the sum of one thousand dollars (\$1,000), for postage, stationery, printing, clerical and expert services, incidental and traveling expenses of the commission in the discharge of their duties; and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount, or any part thereof, upon presentation of itemized statements of such accounts, signed by a majority of said commission and approved by the Governor.

§ 3. The duties of this commission shall be: *First*—To make an investigation of Starved Rock and its contiguous territory, to ascertain its adaptability for the purposes of a State park, and the value of the property; also to make, at their discretion, a comparative study of other State parks within Illinois, and the manner in which they are organized and maintained.

*Second*—To make to the present General Assembly, or to the Forty-seventh General Assembly, a report containing such information, suggestions and recommendations respecting Starved Rock and adjacent territory, and respecting other regions in Illinois desirable for park purposes, as said commission shall deem advisable.

APPROVED June 9, 1909.

INVESTIGATIONS—TAX COMMISSION.

- |   |                             |
|---|-----------------------------|
| § 1. Appointment—expenses—organization—vacancy, | § 3. Duties.                |
| § 2. Employés.                                  | § 4. Appropriates \$15,000. |

(HOUSE BILL NO. 205. APPROVED JUNE 9, 1909.)

AN ACT to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That within twenty days after this Act takes effect, there shall be appointed by the Governor a special tax commission of seven competent persons, whose duty it shall be to inquire into the subject of assessment and taxation for State and local purposes, the operation and effect of the laws relating thereto, and the expediency of revising and amending such laws so as to establish a more equal and just system of raising necessary public revenues, and to report as hereinafter provided.

The members of the commission shall not receive a salary, but each shall be entitled to his actual and necessary expenses incurred in the performance of his duties under the provisions of this Act, to be paid by the State Treasurer on the audit and warrant of the State Auditor, certified to by the Governor. The said commission shall meet for organization as soon as may be at a time and place to be fixed by the Governor, at which time and place they shall elect one of their number president and one secretary of said commission. In case of a vacancy in said commission occurring by death, removal, resignation or otherwise, the same may be filled by appointment by the Governor of the State.

§ 2. Said commission is hereby authorized and empowered to employ counsel, experts, stenographers, clerks and such other employés as may be necessary for the purpose of their investigation and report.

§ 3. The duties of said commission shall be as follows: *First*, they shall make a careful and complete compilation of all laws bearing upon the subject of taxation now in force in the State of Illinois and the decisions of the Supreme Court of said State relating to said laws; *second*, they shall procure, classify, and arrange in convenient tabular form full and pertinent statistics showing as far as practicable the amount raised by taxation in each county and municipality in the State, and the rates adopted, the proportion between the true and the assessed valuation, and such other information in reference to the practical operation of the present system of taxation in this State as they may deem important and essential. It shall be the duty of all county and municipal officers in this State to furnish the commission with such information as they may require of them; *third*, they shall thoroughly investigate all complaints which may be made to them of illegal, unjust or excessive taxation and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is defective, unequal and oppressive; *fourth*, they shall avail themselves of all information afforded by the reports of tax commissions of other states, and shall inquire into the system of such county, and municipal taxation in force in other states, especially those in which new methods of taxation have been introduced, with a view to ascertaining what changes, if any, in the tax laws of this State are expedient and desirable; *fifth*, they shall embody the result of their investigation in a report which shall be as plain, concise and comprehensive as possible. Such report shall be prepared in proper form for publication, with full index, and shall be transmitted to the Governor on or before January 15, 1911. Said commission shall also draft and file with the Governor revenue bills embodying its recommendations, and he shall transmit the same to the General Assembly for their action thereon.

§ 4. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be paid in such manner, and in such sums, and at such times, as the Governor may certify to the Auditor, who shall draw warrants on the treasurer for the same.

APPROVED June 9, 1909.

#### INVESTIGATIONS—TUBERCULIN TEST COMMITTEE.

§ 1. Appropriates \$10,000.

| § 2. How drawn.

(HOUSE BILL NO. 699. APPROVED JUNE 10, 1909.)

AN ACT to provide for the expenses of the committee authorized to be appointed under House Joint Resolution No. 20, adopted by the House, April 14, 1909, and concurred in by the Senate with amendments May 5, 1909, and finally approved by the House May 7, 1909, to investigate into the reliability, efficiency and necessity of adopting the tuberculin test in the State of Illinois, and for other purposes, and making an appropriation of \$10,000 therefor.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That for the purpose of paying the

expenses hereafter to be incurred by the joint investigating committee to be appointed in pursuance of House Joint Resolution No. 20, adopted by the House, April 14, 1909, and concurred in by the Senate May 5, 1909, and finally adopted by the House May 7, 1909, to investigate into the reliability, efficiency and necessity of adopting the tuberculin test in the State of Illinois, and for other purposes, and for the purpose of paying the incidental expenses connected with said investigation, clerk hire, stenographers' fees and hire, and the actual traveling expenses of the committee while engaged upon the said work, there is hereby appropriated for the use of said committee the sum of \$10,000, or so much thereof as may be required. All expenditures of said committee shall be certified to by the chairman of the said committee and the speaker of the House of Representatives or the Lieutenant Governor of Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sum herein specified, upon the presentation of proper vouchers so certified as aforesaid, and the said treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 10, 1909.

#### LIVE STOCK BREEDERS' ASSOCIATION.

- |  |                              |
|--|------------------------------|
| § 1. Appropriates \$500 per annum.           | § 3. How drawn.              |
| § 2. No compensation to be paid any officer. | § 4. Vouchers—annual report. |

(HOUSE BILL NO. 276. APPROVED JUNE 11, 1909.)

#### AN ACT making an appropriation for the Illinois Live Stock Breeders' Association.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and hereby is, appropriated to the Illinois Live Stock Breeders' Association the following sums, to-wit: For printing and distributing reports, programs, postage, stationery, expenses of speakers, etc., the sum of five hundred dollars (\$500) per annum for the years 1909 and 1910.

§ 2. No officer or officers of the Illinois Live Stock Breeders' Association shall be entitled to receive any money compensation whatever for any service rendered for same.

§ 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Live Stock Breeders' Association for the sum herein appropriated.

§ 4. It shall be the duty of the treasurer of the Illinois Live Stock Breeders' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by said organization, on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

APPROVED June 11, 1909.

## LIVE STOCK COMMISSIONERS—BIOLOGICAL LABORATORY.

- |   |   |
|---|---|
| § 1. Establishment—free distribution of products. | § 4. Appropriates \$18,000 for purposes enumerated. |
| § 2. Location.                                    | § 5. How drawn.                                     |
| § 3. Management and control.                      |   |

(HOUSE BILL NO. 488. APPROVED JUNE 10, 1909.)

AN ACT to establish and maintain a laboratory for the production of hog cholera serum and other biological products for free distribution to the live stock producers of the State of Illinois, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be established in this State an institution to be known as the "State Biological Laboratory." The purpose of said institution shall be for the production and manufacture of biological products to be distributed free to live stock producers in the State of Illinois.

§ 2. The State Board of Live Stock Commissioners shall immediately, after the taking effect of this Act, select a suitable place for the location of said institution, and shall purchase not less than forty acres of land for the erection of a laboratory and necessary buildings.

§ 3. The management of said laboratory shall be under the direction and control of the State Board of Live Stock Commissioners.

§ 4. For the purpose of carrying out the provisions of this Act there is hereby appropriated the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary for the purchase of not less than forty acres of land for the location of said institution; and there is hereby appropriated the sum of six thousand dollars (\$6,000.00) for the erection of a laboratory and the necessary equipment; and there is hereby appropriated the sum of four thousand dollars (\$4,000.00) per annum for the employment of necessary experts and labor to carry on the work.

§ 5. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer in payment of the amounts herein appropriated, upon itemized bills, certified by said commission and approved by the Governor: but no warrants shall be drawn for the purchase of the land herein authorized until the abstract and deed of conveyance are approved by the Attorney General.

APPROVED June 10, 1909.

## LIVE STOCK COMMISSIONERS—DEFICIENCY.

- |                            |                 |
|----------------------------|-----------------|
| § 1. Appropriates \$2,000. | § 3. Emergency. |
| § 2. How drawn.            |                 |

(SENATE BILL NO. 345. APPROVED JUNE 8, 1909.)

AN ACT making an appropriation to provide for a deficiency in the ordinary and contingent expenses of the State Board of Live Stock Commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of two thousand dol-



lars (\$2,000.00), or so much thereof as may be needed, be and is hereby appropriated to meet a deficiency in the ordinary and contingent expenses of the State Board of Live Stock Commissioners, to-wit:

Deficiency in the appropriation for paying damages for animals diseased or exposed to contagion, slaughtered; for per diem and traveling expenses of assistant State veterinarians and special agents; for property necessarily destroyed or disinfection of premises, when such disinfection is practicable under any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of ..... \$2,000

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants for the above amounts upon the State Treasurer, upon vouchers certified by the Board of Live Stock Commissioners, and approved by the Governor.

§ 3. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED June 8, 1909.

#### MILK PRODUCERS' INSTITUTE.

§ 1. Appropriates \$500 per annum—how drawn.

(HOUSE BILL No. 290. APPROVED JUNE 11, 1909.)

AN ACT to make an appropriation to the State Milk Producers' Institute. An Act to appropriate \$1,000 for the Milk Producers' Institute of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of \$500.00 per annum for the years of 1909 and 1910 is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the use and benefit of said association, and the State Auditor is hereby authorized to draw his warrant for same and deliver to the treasurer of the Illinois State Milk Producers' Institute upon his presenting proper receipts therefor, certified by the president and secretary of said association, said amount to be used for the purpose of holding the annual convention and institute of said association and for the purpose of educating and instructing those interested in the economic and sanitary production of milk, and for such other purposes as in the judgment of the officers shall best subserve the interest of the Illinois State Milk Producers' Institute.

APPROVED June 11, 1909.

## NATIONAL GUARD—ARMORY, CHICAGO, 7TH INFANTRY.

§ 1. Appropriates \$15,000.

| § 2. How drawn.

(SENATE BILL NO. 428. APPROVED JUNE 8, 1909.)

AN ACT to appropriate fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary for the purpose of paying for additional improvements for and in connection with the construction of the Seventh Infantry, Illinois National Guard, Armory, situated in the city of Chicago, State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary is hereby appropriated for the purpose of paying for additional improvements for and in connection with the construction of the Seventh Infantry, Illinois National Guard, Armory, situated in the city of Chicago, State of Illinois, and for the purpose of constructing an additional story over the boiler, fan and toilet room for target practice and installing fan system, finishing four rooms in towers, purchasing individual enlisted men's lockers, and for such other and further improvements as the Adjutant General may determine.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the sum of money hereby appropriated.

APPROVED June 8, 1909.

## NATIONAL GUARD—CAMP LINCOLN.

§ 1. Appropriates \$6,200 for improvements.

| § 2. How drawn.

(HOUSE BILL NO. 127. APPROVED JUNE 11, 1909.)

AN ACT to provide for Improvements at Camp Lincoln, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of six thousand two hundred dollars (\$6,200.00), or so much thereof as may be necessary, is hereby appropriated to pay for the repair of target butts, erection of backstop, grading and other necessary improvements at Camp Lincoln.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the treasurer shall pay the same out of any money hereby appropriated.

APPROVED June 11, 1909.

## NATIONAL GUARD—CAMP LOGAN.

§ 1. Appropriates \$20,750 for im- | § 2. How drawn.  
provements.

(HOUSE BILL No. 126. APPROVED JUNE 11, 1909.)

AN ACT to provide for improvements at Camp Logan, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of twenty thousand seven hundred fifty dollars (\$20,750), or so much thereof as may be necessary is hereby appropriated to pay for barracks, buildings, pistol butts, targets, cement sidewalks, grading, dredging, drainage ditch and other necessary improvements at Camp Logan.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 11, 1909.

## NATIONAL GUARD AND NAVAL RESERVE—ORDINARY AND CONTINGENT.

§ 1. Appropriates \$350,272 per an- | § 2. How drawn.  
num for items enumerated—  
\$50,000 for emergency fund.

(HOUSE BILL No. 124. APPROVED JUNE 11, 1909.)

AN ACT to provide for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That three hundred fifty thousand two hundred and seventy-two dollars (\$350,272) per annum, or so much thereof as may be necessary, is hereby appropriated to pay the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

Transportation, subsistence, camp pay, officers and men under orders .....	\$142,772 00
Horse hire and forage .....	12,500 00
Medical supplies, fuel for camp, coal and [for] steaming Dorothea, naval supplies, general expenses, engine room repairs and supplies .....	7,500 00
Inspection of companies at home stations, boards of examiners, survey and court martial .....	6,000 00
Lighting camp, laundering bedsacks and blankets, telephones, general repairs and incidentals .....	3,500 00
Target practice, ammunition, transportation, repairs and general expense on rifle range .....	27,500 00
Civilian employes .....	10,000 00

Horses for drills .....	\$5,000 00
Armory rents, water, light, fuel, janitor service incidentals necessary to maintenance of armories .....	130,000 00
Miscellaneous expenditures .....	5,500 00
Total .....	\$350,272 00

That the further sum of fifty thousand dollars (\$50,000) is hereby appropriated as an emergency fund to be used by the Governor in cases of emergency when the Illinois National Guard or Illinois Naval Reserve are called into active duty by the Governor to protect the life and property of the citizens of the State. No portion of said sum shall be expended or paid except upon the express order of the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 11, 1909.

#### NATIONAL GUARD AND NAVAL RESERVE—OVERCOATS AND UNIFORMS.

§ 1. Appropriates \$81,495.

§ 2. How drawn.

(HOUSE BILL No. 125. APPROVED JUNE 11, 1909.)

AN ACT to provide for the purchase of overcoats and dress and service uniforms for the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of eighty-one thousand four hundred ninety-five dollars (\$81,495.00), or so much thereof as may be necessary, is hereby appropriated to pay for the manufacture and purchase of overcoats and dress and service uniforms for the Illinois National Guard and Illinois Naval Reserve.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 11, 1909.

#### NAVAL MILITIA—U. S. S. NASHVILLE.

§ 1. Appropriates \$7,673 for purposes  
    enumerated.

§ 3. Emergency.

§ 2. How drawn.

(HOUSE BILL No. 171. APPROVED APRIL 17, 1909.)

AN ACT to provide for the expenses of the voyage of the U. S. S. Nashville, from the navy yard, Boston, Mass., to Chicago, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That seven thousand six hundred

seventy-three dollars, or as much thereof as may be necessary, is hereby appropriated to pay the expenses of the voyage of the U. S. S. Nashville, from the navy yard, Boston, Massachusetts, to Chicago, Illinois.

Transportation, 81 officers and men, Chicago to Boston, and subsistence en route .....	\$1,863 00
Subsistence for 25 days .....	810 00
Coal (400) tons .....	1,600 00
Pilotage, Boston to Buffalo (compulsory) .....	450 00
Canal tolls .....	250 00
Pay of officers and men .....	2,700 00

\$7,673 00

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and after the date of its passage and approval.

APPROVED April 17, 1909.

#### PENAL AND REFORMATORY—SOUTHERN PENITENTIARY.

§ 1. Appropriates \$180,000 per annum for ordinary expenses—\$34,700 for items enumerated.

§ 2. How drawn.

(SENATE BILL NO. 355. APPROVED JUNE 11, 1909.)

*AN ACT making appropriations for the Southern Illinois Penitentiary at Chester.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are, hereby appropriated to the Southern Illinois Penitentiary at Chester for the purpose hereinafter named and no other:

For ordinary expenses of the penitentiary and for the expenses of the commissioners and officers for the two years ending June 30, 1911, \$180,000.00 per annum.

For maintaining library and furnishing chapel, \$350.00 per annum.

For expenses enforcing parole law, \$5,000.00 per annum.

For repairs and refurnishing, \$5,000.00 per annum.

For replacing water mains and improvements of reservoir, \$4,000.00.

For completing the stone wall around prison yard, \$10,000.00.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for the moneys herein appropriated, upon the order of the board of commissioners of said penitentiary, attested by its secretary, with the seal of the institution attached, and approved by the Governor.

APPROVED June 11, 1909

## PENAL AND REFORMATORY—STATE PENITENTIARY.

§ 1. Appropriates \$265,000 per annum for ordinary expenses and \$32,500 for purposes enumerated—how drawn.

(SENATE BILL NO. 262. APPROVED JUNE 11, 1909.)

AN ACT to make appropriation for ordinary and other expenses of the Illinois State Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and no other:

For ordinary expenses and for the expenses of the commissioners and officers, for the year ending June 30, 1910.....	\$265,000
For ordinary expenses and for the expenses of the commissioners and officers for the year ending June 30, 1911 ...	265,000
For meeting the expenses of maintaining and operating the parole system, the sum of ten thousand [dollars] per annum .....	20,000
For painting, relaying floors, renewing roofs and walls of buildings, renewing and rebuilding steam and water pipes, engines, boilers and machinery, and to make such other repairs and renewals as may be required to keep said prison plant in ordinary repair, the sum of \$6,250 per annum .....	12,500

The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer of the State for the moneys hereinbefore appropriated, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of the institution attached, and approved by the Governor.

APPROVED June 11, 1909.

## PENAL AND REFORMATORY—STATE REFORMATORY.

§ 1. Appropriates \$200,000 per annum for ordinary expenses \$61,300 for purposes enumerated.

§ 2. How drawn.

(SENATE BILL NO. 326. APPROVED JUNE 11, 1909.)

AN ACT to make appropriations for ordinary and other expenses of the Illinois State Reformatory at Pontiac.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Reformatory, at Pontiac, for the purposes hereinafter named and no other:

For ordinary expenses of the reformatory and expenses of the board of managers for the year ending June 30, 1910 ....	\$200,000
For ordinary expenses of the reformatory and expenses of the board of managers for the year ending June 30, 1911 .....	200,000
For maintaining parole system, \$10,000 per annum .....	20,000

For maintenance of electric lights, telephone, telegraph and fire alarm system, \$1,000 per annum.....	\$2,000
For material for trade school instruction, \$2,500 per annum..	5,000
For purchase and installation of water, instruments and dressing sterilizers, fracture bed and other hospital beds .....	1,500
For school books for inmates, \$600 per annum .....	1,200
For school seats, desks, charts, reference books, etc. ....	500
For extension and equipment of library, \$500 per annum ..	1,000
For repair of farm buildings, purchase of cows, horses and material for building one hog house for breeding purposes ...	2,500
For lectures, entertainments, concerts, etc., \$600 per annum..	1,200
For maintenance and extension of Manual Training School, \$5,000 per annum .....	10,000
For partial construction of a wall around the institution to take the place of the old board fence now in use, the sum of....	10,000
For remodeling the administration building and placing fire escapes, an additional sum of .....	6,000
For maintenance of Y. M. C. A., \$200 per annum .....	400

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the amounts herein appropriated, quarterly in advance, in so far as it relates to the appropriations for ordinary expenses, upon the order of the board of managers of said reformatory, signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached: *Provided*, that no part of such sums shall be due and payable to said institution until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures, accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred and such detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which such statement is made, the total amounts received and expended, and the balance on hand at the close of the quarter for which the same is made; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sum hereby appropriated for special purposes, upon the order of the board of managers, when accompanied by itemized bills of particulars, signed by the president and attested by the secretary, with the seal of the institution and approval of the Governor thereto attached, certifying that the expenditures mentioned in said bills of particulars has been made and that the amount is due and payable.

APPROVED June 11, 1909.

## PENITENTIARY COMMISSION—NEW BUILDINGS.

§ 1. Re-appropriates \$500,000 for purposes expressed in Act of 1907—how drawn.

§ 2. Appropriates \$100,000 out of certain funds of State Penitentiary and State Reformatory—how drawn.

(SENATE BILL NO. 520. APPROVED JUNE 11, 1909.)

*AN ACT making an appropriation for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, of the sum heretofore appropriated by an Act entitled, "An Act creating a commission and providing for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet, and making an appropriation therefor," approved June 5, 1907, in force July 1, 1907, and remaining unexpended at the expiration of the first fiscal quarter after the adjournment of the Forty-sixth General Assembly, and not otherwise appropriated, is hereby re-appropriated for the purposes expressed in said Act, to be paid out of the State treasury for said purposes, and in the manner in said Act provided.

§ 2. That in addition to the sum herein appropriated by section 1 of this Act, the further sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary, is hereby appropriated out of any unexpended moneys heretofore or hereafter received by the warden of the Illinois State Penitentiary and the general superintendent of the Illinois State Reformatory, as proceeds of the labor of the prisoners in said Illinois State Penitentiary and said Illinois State Reformatory, and of the sales of articles manufactured by them therein for the purposes mentioned in section 1 of this Act.

Not exceeding seventy-five thousand dollars (\$75,000) of the amount appropriated by this section shall be taken from the fund arising from the labor of the prisoners and of the sales of articles manufactured by them, in the Illinois State Penitentiary, and not exceeding twenty-five thousand dollars (\$25,000) from the fund arising from the labor of prisoners and of the sales of articles manufactured by them in the Illinois State Reformatory. It shall be the duty of the warden of the Illinois State Penitentiary and the general superintendent of the Illinois State Reformatory and the Board of Prison Industries of Illinois to pay the moneys, or any part thereof, herein appropriated by this section to the Penitentiary Commission, upon the demand in writing, signed by a majority of the said the Penitentiary Commission.

APPROVED June 11, 1909.



## PORTRAIT OF PATRICK HENRY.

Preamble.

| § 1. Appropriates \$1,000—how drawn.

(SENATE BILL NO. 27. APPROVED JUNE 11, 1909.)

AN ACT *to appropriate one thousand dollars (\$1,000) for purchase of portrait of Patrick Henry.*

WHEREAS, Patrick Henry, a Governor of Virginia, commissioned General George Rogers Clark to secure for and maintain to the United States that great domain bounded by the Great Lakes and the Ohio and Mississippi rivers, afterwards known and denominated as the Northwest Territory. Of this, Illinois, a component part, was first organized as a county of Virginia, and as such its destinies were presided over by Patrick Henry, who was thus the first Governor of the territory after it came under the control of the United Colonies; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there is hereby appropriated from the money in the State treasury the sum of one thousand (\$1,000), or so much thereof as may be necessary, to have painted and framed a portrait of Patrick Henry, to be placed in the executive office of the State House, to be paid on the order of the Secretary of State, and approved by the Governor.

APPROVED June 11, 1909.

## POULTRY ASSOCIATION.

§ 1. Appropriates \$1,000 per annum.

| § 3. How drawn.

§ 2. Officers not to receive compensation.

| § 4. Vouchers—annual report.

(HOUSE BILL NO. 32. APPROVED JUNE 11, 1909.)

AN ACT *making an appropriation for the Illinois State Poultry Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of one thousand dollars (\$1,000) per annum for the years 1909 and 1910 be and is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the use and benefit of the Illinois State Poultry Association; said amount to be used for the purpose of paying premiums, providing uniform coops, and defraying the expenses incurred in holding annual meetings, and for such other purposes as in the judgment of said association, shall best subserve the poultry interests in the State of Illinois.

§ 2. No officer or officers of the Illinois State Poultry Association shall be entitled to or receive any moneyed compensation whatever for any service rendered for the same.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant for the same and deliver it to the treasurer of the Illinois State Poultry Association, upon his presenting proper itemized vouchers therefor, certified to by the president and secretary of said association under seal of such corporation.

§ 4. It shall be the duty of the treasurer of the Illinois State Poultry Association to pay out of said appropriation on itemized and receipted vouchers, such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures as provided by law.

APPROVED June 11, 1909.

PRINTING, BINDING, PAPER AND STATIONERY—DEFICIENCY.

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| <p>§ 1. Appropriates \$20,000 for public printing.</p> <p>§ 2. Appropriates \$15,000 for public binding.</p> <p>§ 3. Appropriates \$12,000 for printing paper and stationery.</p> | <p>§ 4. How drawn.</p> <p>§ 5. Emergency.</p> |
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(HOUSE BILL No. 109. APPROVED APRIL 19, 1909.)

AN ACT *making an appropriation to meet the deficiency in the appropriation for the payment of public printing and binding for the purchase of printing paper and stationery under contract by the State of Illinois.*

WHEREAS, The Forty-fifth General Assembly, in making the appropriations for public printing and binding for the purchase of printing paper and stationery, could not know the large amount of public printing and binding and printing paper and stationery that would be necessary for the use of the Forty-fifth General Assembly in its prolonged session; and

WHEREAS, Since the adjournment of the Forty-fifth General Assembly new contracts for printing and binding have been entered into by the State and thereby very largely increasing the cost of its public printing and binding; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of \$20,000, be, and is hereby appropriated to the Board of Commissioners of State Contracts to meet the deficiency in the appropriation for the public printing of the State.

§ 2. That the sum of \$15,000, be, and is hereby appropriated to the Board of Commissioners of State Contracts to meet the deficiency in the appropriation for the public binding of the State, now under contract.

§ 3. That the sum of \$12,000, be, and is hereby appropriated to the Board of Commissioners of State Contracts to meet the deficiency in the appropriation for the purchase of printing paper and stationery.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of vouchers certified to by the Board of Commissioners of State Contracts and approved by the Governor, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 5. WHEREAS, The appropriations above recited are necessary for the transaction of the business of the State: therefore, an emergency exists, and this Act shall be in force and take effect from and after its passage.

APPROVED April 19, 1909.

RELIEF—ALBERT W. LEIDEL.

Preamble.

§ 1. Appropriates \$3,000.

(HOUSE BILL No. 432. APPROVED JUNE 16, 1909.)

AN ACT for the relief of *Albert W. Leidel*.

WHEREAS, Albert W. Leidel, while on duty as a keeper at the Southern Illinois Penitentiary, in charge of a gang of prisoners and employed by the State of Illinois, received severe personal injuries as the result of a caving in of some dirt in a rock quarry, on the 20th day of February, A. D. 1905, the injuries being permanent and totally disabling and received while in the line of duty as an employé of the State; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Auditor of Public Accounts be, and he is hereby directed to draw his warrant on the State treasury, in favor of the said Albert W. Leidel for the sum of three thousand dollars (\$3,000) on the first day of July, A. D. 1909, the said sum to be paid out of any moneys in the State treasury not otherwise appropriated.

APPROVED June 16, 1909.

RELIEF—EARTHQUAKE SUFFERERS IN ITALY AND SICILY.

Preamble.

§ 3. How drawn.

§ 1. Appropriates \$10,000.

§ 4. Emergency.

§ 2. Governor to appoint commission of three persons.

(SENATE BILL No. 16. APPROVED FEBRUARY 1, 1909.)

AN ACT for the relief of the suffering and destitute people of southern Italy and Sicily.

WHEREAS, A most appalling calamity has overtaken southern Italy and Sicily, earthquake, flood and fire devastating a wide territory and causing an unprecedented loss of life and property; and,

WHEREAS, Funds are more effective than sympathy; therefore, be it Resolved, That the following bill appropriating \$10,000 for the relief of the suffering and destitute people of southern Italy and Sicily be enacted into law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars (\$10,000) be, and the same is hereby, appropriated out of any money in the State treasury not otherwise appropriated, for the relief of the suffering and destitute people of southern Italy and Sicily.

§ 2. The Governor of the State of Illinois is hereby authorized to appoint a commission of three persons, who shall serve without compensation, to receive from the State Treasurer and pay over to the proper authorities in southern Italy and Sicily for distribution to the suffering people, the moneys hereby appropriated.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant for the sum of ten thousand dollars (\$10,000), payable to the commission so appointed by the Governor, and the treasurer of the State is hereby directed to pay the same to said commission, and the said commission is hereby authorized and directed to pay said money to such authorities of southern Italy and Sicily as may be authorized to receive and distribute moneys for charitable purposes, and the same shall be received and distributed to the suffering and destitute people of southern Italy and Sicily.

§ 4. WHEREAS, The suffering is great and immediate aid is necessary, therefore an emergency exists, and this Act shall be in force and effect from and after its passage.

APPROVED February 1, 1909.

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RELIEF—WIDOW OF PAUL I. ZAABEL.

§ 1. Appropriates \$1,000—how drawn. — § 2. Emergency.

(HOUSE BILL NO. 254. APPROVED APRIL 19, 1909.)

AN ACT *making an appropriation of the amount of the uncollected salary of Paul I. Zaabel, deceased member of the Forty-sixth General Assembly in favor of the widow.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars (\$1,000) be and the same is hereby appropriated out of any funds in the State treasury not otherwise appropriated, and directed to be paid by the Treasurer upon the warrant of the Auditor of Public Accounts, to Wally Zaabel, the widow of Paul I. Zaabel, deceased member of the Forty-sixth General Assembly of the State of Illinois.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED April 19, 1909.

## STATE GOVERNMENT—GENERAL EXPENSES.

§ 1. Makes appropriations for ordinary and contingent expenses as follows:

1. GOVERNOR — Contingent fund \$5,000 per annum.
2. Secretaries, clerks, stenographers, messengers and janitor, \$12,000 per annum.
3. Department and institution auditor, assistant and expenses, \$6,700 per annum.
4. Postage, expressage, telegraphing, travelling expenses, etc., \$6,000 per annum.
5. Executive mansion—incidentals, \$9,000 per annum; repairs, etc., \$4,000.  
Illinois Central Railroad investigation—unexpended balance.
6. LIEUTENANT GOVERNOR—Secretary, stenographer, etc., \$3,400 per annum.
7. SECRETARY OF STATE — Clerks, stenographers, janitors, police, porters, messengers and other employes, postage, express and incidentals, \$136,560 per annum.
8. Fuel, repairs and incidentals for buildings, \$15,500 per annum.
9. Supreme court reports, the sum required by law.
10. Flags, \$200.
11. State library, salaries, books and incidentals \$8,700 per annum.
12. Copying laws, etc., \$300; express and postage \$2,000 per annum.
13. Redecorating House and Senate chambers, \$6,500.
14. Blue Book, \$2,000.
15. New furniture for House and Senate chamber, \$23,000.
- 15½. Automobile department, necessary sum from fees for license tags, etc.
16. STATE CONTRACTS—Printing paper and stationery, \$80,000.
17. Printing, \$100,000; binding, \$40,000; historical collections, \$10,000.
18. AUDITOR—Clerks, stenographers, messenger, janitors, express and incidentals, \$33,800 per annum.
19. Conveying juvenile offenders to State schools, \$14,000 per annum.
20. Conveying convicts to and from penitentiaries, \$20,000 per annum.
21. Conveying offenders to and from reformatory, \$15,000 per annum.
22. Fugitives from justice, \$20,000 per annum and \$2,000.
23. State suits, \$500 per annum.
24. BOARD OF EQUALIZATION—Expenses \$10,000 per annum.
25. AUDITOR—File cases, \$4,400; interest on school fund \$57,000 per annum.
26. Transfer of insane, \$2,000, per annum.
27. Distributable school fund \$1,000,000 per annum.
28. ATTORNEY GENERAL—Assistants, clerks, stenographers, janitor, rent, incidental expenses, official duties, taxes, suits, etc., \$73,320 per annum and \$75,400.
29. STATE TREASURER — Clerks, stenographers, messenger, watchmen, collection of inheritance tax, interest on public funds and registered bonds, incidentals, surety bonds, etc., \$59,000 per annum; fixtures, \$2,000.
30. Necessary amount to refund taxes collected in error.
31. SUPERINTENDENT OF PUBLIC INSTRUCTION—Assistants, clerks, stenographers, janitor, postage, etc., \$14,000 per annum, work of Educational Commission, \$5,000.
32. ADJUTANT GENERAL — Clerks and other employes, in office, memorial hall, arsenal, Camp Lincoln, incidentals, etc., \$11,640 per annum.
33. BOARD OF CHARITIES — Clerk's salary, clerical services, and miscellaneous expenses, \$21,350 per annum; filing cases, \$500.

STATE GOVERNMENT—GENERAL EXPENSES—*Continued.*

34. SUPREME COURT—Books, reports, repairs, incidentals, salaries of librarian and other employes, \$28,900 per annum.
35. CLERK SUPREME COURT—Janitor, \$800 per annum.
36. APPELLATE COURT, FIRST DISTRICT—Office rent, books, reports, employes and incidentals, \$17,550 per annum; furniture, filing cases, etc., \$975.
37. APPELLATE COURT, SECOND DISTRICT—Incidentals, books, librarian and stenographer \$5,000 per annum; deficiency, \$1,975.
38. APPELLATE COURT, THIRD DISTRICT — Incidentals, \$1,000 per annum.
39. APPELLATE COURT, FOURTH DISTRICT — Librarian and incidentals, \$2,850 per annum; re-binding law books, \$250.
40. APPELLATE COURTS—Janitors and stenographers, \$5,700 per annum.
41. RAILROAD AND WAREHOUSE COMMISSIONERS—Secretary, employes, office and officers' expenses, suits, maps, schedules, experts, etc., \$22,600 per annum.
42. MUSEUM OF NATURAL HISTORY — Curator, employes, and office expenses, \$5,700 per annum; books and cases, \$1,500.
43. COMMISSIONERS OF LABOR —Clerical services, special agents, incidentals, etc., \$11,000 per annum.
44. MINING BOARD—Per diem, expenses and stenographer, \$6,000 per annum.
45. MINE INSPECTORS—Actual expenses, \$6,000 per annum.
46. FREE EMPLOYMENT OFFICES — Employes, rent, general and incidental expenses, \$20,830 per annum; furniture, etc., \$320.
47. FISH COMMISSIONERS — Salaries, expenses, maintenance, etc., \$29,000 per annum.
48. GENERAL ASSEMBLY, 47TH, —Committee expenses, \$2,000.
49. LIVE STOCK COMMISSIONERS—Employes, veterinarians, agents, traveling and incidental expenses, damages, etc., \$31,920 per annum and \$25,000.
50. INSURANCE SUPERINTENDENT—Actuary, clerk hire, legal services, incidentals, etc., \$52,325 per annum.
51. LINCOLN HOMESTEAD — Custodian, repairs, etc., \$1,575 per annum.
52. LINCOLN MONUMENT — Custodian, fuel, incidentals, etc., \$2,750 per annum.
53. HISTORICAL LIBRARY — Books, employes, maintenance, etc., \$13,840 per annum.
54. SUPREME COURT REPORTER —Expenses, custodian and messenger, \$1,920 per annum.
55. FACTORY INSPECTOR — Rent, employes, traveling and incidental expenses, \$24,000 per annum.
56. BOARD OF ARBITRATION—Traveling and incidental expenses, rent, clerk hire, etc., \$5,000 per annum.
57. BOARD OF PARDONS — Employes and incidentals, \$2,200 per annum.
58. NATURAL HISTORY LABORATORY—Survey, specimens, bulletins, etc., \$9,500 per annum; Illinois specimens, \$1,000.
59. STATE ENTOMOLOGIST — General and special expenses, \$21,000 per annum.  
FORT MASSAC TRUSTEES—Custodian and general expenses, \$3,100 per annum; pavilion, \$3,000.
60. BOARD OF HEALTH — Secretary, clerks, office and other expenses, investigations, inspections, anti-toxin, etc., \$61,000 per annum and \$32,500.
61. FOOD COMMISSIONER — Unexpended balance and \$30,000 for employes, rent, office and incidental expenses.
62. HIGHWAY COMMISSION—Experimental work, statistics and other expenses, \$65,000 per annum.

STATE GOVERNMENT—GENERAL EXPENSES—*Concluded*

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| <p>63. CIVIL SERVICE COMMISSION — Employees, office and incidental expenses, \$10,380 per annum.</p> <p>64. BOARD OF PRISON INDUSTRIES—Salaries, office and traveling expenses, \$16,000 per annum.</p> <p>65. GEOLOGICAL COMMISSION —Extension of survey, maps, reports, etc., \$27,500 per annum and \$7,500. UNIVERSITY OF ILLINOIS — Clay working, ceramics, etc., \$12,500 per annum.</p> <p>66. Interest on endowment fund, \$65,000.</p> <p>67. ORVILLE F. BERRY, \$1,500; ROSS C. HALL and GEO. A. COOKE, \$1,500; LYMAN E. COOLEY, \$4,517.21.</p> | <p>68. SHABONNA PARK MONUMENT—Repairs and improvements, \$1,000.</p> <p>69. OCCUPATIONAL DISEASES COMMISSION — Miscellaneous expenses, \$15,000.</p> <p>70. INTERNAL IMPROVEMENT COMMISSION — Removing dams, survey, expenses, etc., \$30,000.</p> <p>71. COMMITMENT OF CONVICTS COMMISSION—Expenses, \$500.</p> |
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- § 2. How drawn—certification of pay rolls, traveling expenses and other bills—When Auditor to refuse warrant.

(HOUSE BILL NO. 730. APPROVED JUNE 16, 1909.)

AN ACT to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be, and are hereby, appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

*First*—A sum not to exceed \$5,000 per annum shall be subject to the order of the Governor for the purpose of defraying such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law.

*Second*—To the Governor; the sum of \$12,000 per annum for secretaries to the Governor, for the performance of such official duties of the Governor as may be required of them, and for the executive clerk, index and general clerk, stenographer, assistant stenographer, messenger and janitor; payable monthly, as hereinafter named.

*Third*—To the Governor, the sum of \$4,000 per annum for Department and Institution Auditor; for his assistant, \$1,200 per annum; and for his traveling and necessary expenses, the sum of \$1,500 per annum.

*Fourth*—To the Governor, the further sum not to exceed \$6,000 per annum for postage, expressage, telegraphing, telephoning, traveling expenses and other expenses connected with the Governor's office, payable as hereinafter named.

*Fifth*—To the Governor, for the care of the Executive Mansion and grounds, and for heating, lighting, expenses of public receptions, wages

and sustenance of employes, stable expense and other incidental expenses of the Executive Mansion, the sum of \$9,000.00 per annum. For repairs, improvements and refurnishing at the Executive Mansion and improvement of grounds, \$4,000.00.

To the Governor, for the purpose of carrying out the provisions of an Act entitled, "An Act making an appropriation to the Governor to be used in the investigation and examination of the books, records, reports and accounts of the Illinois Central Railroad Company," approved March 19, 1907, in force March 19, 1907, so much of the said sum of one hundred thousand dollars (\$100,000) appropriated in and by said Act for the purpose in said Act specified, as shall not be expended on or before the thirtieth day of September, A. D. 1909, is hereby reappropriated from the State treasury of Illinois for the purposes specified in said Act, the same to be expended and paid out in accordance with the provisions of said Act.

*Sixth*—To the Lieutenant Governor, for private secretary, stenographer, janitor and for postage, telegraphing, stationery, and all other incidental expenses, the sum of \$3,400 per annum.

*Seventh*—To the Secretary of State, for clerk hire in his office, the following sums: For chief clerk, \$3,000 per annum; for one assistant chief clerk, \$2,700 per annum; for one chief corporation clerk, \$2,200 per annum; for one corporation clerk, \$1,800 per annum; for one corporation clerk, \$1,500 per annum; for one corporation clerk, \$1,200 per annum; for one foreign corporation clerk, \$1,800 per annum; for one executive clerk, \$2,100 per annum; for one assistant executive clerk, \$900 per annum; for one index clerk, \$2,100 per annum; for one assistant index clerk, \$1,500 per annum; for one assistant index clerk, \$900 per annum; for one anti-trust clerk, \$2,000 per annum; for one assistant anti-trust clerk, \$1,500 per annum; for one assistant anti-trust clerk, \$1,200 per annum; for one assistant anti-trust clerk, \$1,000 per annum; for one assistant anti-trust clerk, \$1,000 [per annum]; for one shipping clerk, \$2,000 per annum; for one shipping clerk, \$1,800 per annum; for one shipping clerk, \$1,200 per annum; for one shipping clerk and janitor, \$1,200 per annum; for extra clerical services, \$2,800 per annum; for one private secretary and stenographer, \$2,100 per annum; for one automobile clerk, \$1,200 per annum; for one supply clerk, \$2,100 per annum; for one assistant supply clerk, \$1,500 per annum; for one property clerk, \$900 per annum; for six stenographers and typewriters, \$1,200 each per annum, \$7,200 per annum; for one bookkeeper, \$1,600 per annum; for three porters and messengers, \$1,020 each per annum, \$3,060 per annum; for one superintendent of capitol building and grounds, \$2,400 per annum; for one assistant superintendent of capitol building and grounds, \$1,500 per annum; for two carpenters, \$1,000 each per annum, \$2,000 per annum; for nine policemen, \$800 each per annum, \$7,200 per annum; for four elevator conductors, \$800 each per annum, \$3,200 per annum; for eighteen janitors, \$800 each per annum, \$14,400 per annum; for one janitress, \$800 per annum; for one flagman, \$800 per annum; for one chief engineer, \$1,500 per annum;



for two assistant engineers, \$1,200 each per annum, \$2,400 per annum; for twelve firemen, \$900 each per annum, \$10,800 per annum; for one weigher, \$1,000 per annum; for one chief electrician, \$1,500 per annum; for three assistant electricians, \$1,200 each per annum, \$3,600 per annum; for one janitor and helper in lighting plant, \$900 per annum; payable upon monthly pay-rolls certified to by the Secretary of State; for expenses in connection with the corporation department, the sum of \$3,500 per annum; to the Secretary of State, for postage, expressage, telegraphing and other incidental expenses of his office, \$5,000 per annum; and for the payment of all other necessary incidental expenses incurred by the Secretary of State in the care and custody of the State House and grounds and other State property, and in repairs and improvements of same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of \$8,500 per annum; for the purpose of enforcing the foreign corporation Act, the sum of \$5,000 per annum; for the purpose of employing extra help in connection with the public printing of the State, the sum of \$3,500 per annum.

*Eighth*—To the Secretary of State, for the purchase of fuel and for repairs and other incidental expenses connected with heating the State House and other buildings under his control, the sum of \$10,500 per annum; for repairing the State House heating and lighting plants and other buildings under charge of Secretary of State, \$2,500 per annum; for incidental expenses connected with operating the State electric lighting plant, \$2,500 per annum.

*Ninth*—To the Secretary of State, such sums as may be necessary to enable him to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be, by law, required to purchase.

*Tenth*—To the Secretary of State, for the purchase of flags for the dome of the capitol building for two years the sum of \$200.

*Eleventh*—To the Secretary of State, for the purchase of books and for the incidental expenses of the State library, the sum of \$2,000 per annum, payable upon bills of particulars certified to by the Board of Commissioners of the State Library. To the Secretary of State, for salary of assistant librarian, \$1,200 per annum; for second assistant librarian, \$1,100 per annum; for third assistant librarian, \$1,000 per annum; for fourth assistant librarian, \$1,000 per annum; for fifth assistant librarian, \$900 per annum; for expenses of library extension commission, \$1,500 per annum.

*Twelfth*—To the Secretary of State, for copying the laws, journals and joint resolutions of the General Assembly, as provided by law, \$300, and for expressage and postage on same, \$2,000 per annum.

*Thirteenth*—To the Secretary of State, for redecorating of House and Senate chamber, the sum of \$6,500.

*Fourteenth*—To the Secretary of State, for expense of printing "Blue Book," \$2,000.

*Fifteenth*—To the Secretary of State, for the purchase and installation of new desks and chairs for the House and Senate chambers, the sum of \$23,000.

*Fifteen and One-Half*—To the Secretary of State such sum from fees received for automobile and chauffeur licenses as may be necessary for the purchase of certificates of registration, license tags, and other expenses in connection with the enforcement of the Automobile law.

*Sixteenth*—To the Board of Commissioners of State Contracts, for the purchase on contracts, as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the General Assembly and the executive departments, the sum of \$80,000.

*Seventeenth*—To the Board of Commissioners of State Contracts, for public printing, the sum of \$100,000, or so much thereof as may be required; for public binding, the sum of \$40,000, or so much thereof as may be necessary; the public printing and binding to be paid according to contract. To the Board of Commissioners of State Contracts, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary for printing, publishing, binding, distribution, etc., of a reprint or new edition of fifteen thousand copies of the book entitled Illinois Historical Collections, Vol. 3; the Lincoln-Douglas Debates of 1858, edited by Edwin Erle Sparks; the new edition to be an exact duplication of the original edition.

*Eighteenth*—To the Auditor of Public Accounts, with necessary clerk hire in his office the following sums: For chief clerk, \$3,000 per annum; for warrant clerk, \$2,700 per annum; for assistant warrant clerk, \$1,600 per annum; one additional assistant warrant clerk, \$1,500 per annum; for revenue clerk, \$1,800 per annum; for land clerk, \$1,800 per annum; for file and index clerk, \$1,500 per annum; for two stenographers, \$1,200 per annum each, \$2,400 per annum; for one stenographer, \$1,000 per annum; for one messenger clerk, \$900 per annum; for two janitors, \$800 per annum each, \$1,600 per annum; for additional clerk hire, \$4,500 per annum; also for postage, express charges, telegraphing and other incidental expenses, \$4,500 per annum. Also for the purpose of paying for the clerical services incidental to the banking and building and loan department, a sum not to exceed the fees received by them for examinations and filing report for such blanks [banks] and building and loan associations, as now provided by law to be accounted for by him in the regular report required by law to be made. For expenses in the levying, collecting, completing and keeping an account of the interest and principal on registered bonds, the sum of \$5,000 per annum.

*Nineteenth*—The Auditor of Public Accounts, a sum not to exceed \$7,000 per annum, or so much thereof as may be necessary, for the conveying of female offenders to the State Training School for Girls, and also the sum of \$7,000 per annum, or so much thereof as may be necessary, for conveying of delinquent boys to the St. Charles School for Boys, such payments in each case to be ascertained and paid in the same manner as required by law for the conveying of prisoners to the penitentiary.

*Twentieth*—The Auditor of Public Accounts, a sum not exceeding \$20,000 per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in cases of new trials, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law: *Provided*, that when more than one person is convicted at the same term of court and is committed to the penitentiary, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.

*Twenty-first*—To the Auditor of Public Accounts, the sum of \$15,000.00 per annum, or so much thereof as may be necessary, for conveying offenders to the State Reformatory at Pontiac, and from and to the reformatory in cases of new trial, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law, to be ascertained and paid in the same manner as in cases of conveying prisoners to and from the penitentiary: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the reformatory, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.

*Twenty-second*—To the Auditor of Public Accounts, for the payment of the expenses provided by law for the apprehension and delivery of fugitives from justice, \$20,000 per annum, or so much thereof as may be necessary, to be paid on the evidence required by law, certified to and approved by the Governor, and the sum of \$2,000 for rewards for arrests of fugitives from justice, to be paid on bills of particulars having the approval of the Governor indorsed thereon.

*Twenty-third*—To the Auditor of Public Accounts, a sum not exceeding \$500 per annum, or so much thereof as may be necessary, for costs and expenses of State suits.

*Twenty-fourth*—To the State Board of Equalization, for paying expenses, a sum not exceeding \$10,000 per annum, payable in the manner provided by law.

*Twenty-fifth*—To the Auditor of Public Accounts, the sum of \$4,400 for the purchase and installing in his office of steel file cases for the filing of records and other documents.

Also, the sum of fifty-seven thousand dollars (\$57,000) per annum, or so much as may be necessary, to pay the interest on school fund, distributed annually in pursuance of law, said amount to be payable from the State school fund.

*Twenty-sixth*—To the Auditor of Public Accounts, for the payment of the expenses of the transfer of any insane person or persons to the Illinois Asylum for Insane Criminals, either from any other of the State institutions or upon the order or mittimus of any of the several State courts, the sum of one thousand dollars (\$1,000) per annum, or so much thereof as may be necessary; and for the payment of expenses

of the transfer of incurable insane from either of the insane institutions to the Asylum for the Incurable Insane, the sum of one thousand dollars (\$1,000) per annum, or so much thereof as may be necessary.

*Twenty-seventh*—To the Auditor of Public Accounts, the sum of \$1,000,000 annually, out of the State School Fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties, and for the payment of the salary and expenses of county superintendent of schools as now provided by law. The Auditor shall issue his warrants to the State Treasurer on the proper evidence that the amount distributed has been paid to the county superintendents.

*Twenty-eighth*—To the Attorney General: One chief assistant, \$5,000 per annum; two assistants at \$4,500 each per annum, \$9,000 per annum; one assistant, \$3,500 per annum; one assistant at \$3,000 per annum; one office brief-maker, \$2,400 per annum; one clerk, \$2,000 per annum; one stenographer and bookkeeper, \$1,500 per annum; three stenographers, \$1,200 each per annum, \$3,600 per annum; one porter and filing clerk, \$1,000 per annum; one janitor, \$720 per annum; one assistant inheritance tax attorney for Cook county, \$2,400 per annum; two stenographers for inheritance tax attorney for Cook county, \$1,200 each per annum, \$2,400 per annum; rent and maintenance of inheritance tax office for Cook county, \$1,800 per annum; telegraphing, telephoning, expressage, postage and incidental expenses, \$5,000 per annum; for defraying other expenses and the performance of such other duties as are required by law, \$35,000 per annum. To pay taxes on Idaho lands and expenses connected therewith, \$5,000. To employ special counsel experts, accountants and assistants to carry on the case of the State of Illinois vs. Illinois Central Railroad Company, now pending in the circuit court of LaSalle county; and for other special work, collection of evidence and expenses in connection with the investigation by the committee of the General Assembly authorized to be appointed by joint resolution of Feb. 24, 1909, for the purpose of investigating the rights of the State of Illinois in submerged and made lands in connection with the navigable waters of the State of Illinois, \$55,000. To defray the expenses in the case of the People versus The Illinois Steel Company, instituted by the State's attorney of Cook county, to be drawn on bills of particulars, signed by the State's attorney of Cook county and approved by the Attorney General, the sum of \$3,000; for the payment of services of Adrian Sizer of Washington, D. C., for legal services rendered in the procurement of moneys due from the government arising out of claims for Spanish-American War veterans, the sum of \$12,400.

*Twenty-ninth*—To the State Treasurer, for clerk hire, \$13,500 per annum; for messenger and clerk, \$1,200 per annum, for stenographer and clerk \$1,200 per annum; for nine watchmen, at \$900 each per annum, the sum of \$8,100 per annum; for the enforcement of the inheritance tax law and the collection of inheritance tax, the sum of \$12,500 per annum; for the employment of a secretary, attorney and clerk, and expenses incurred in the collection of interest on public funds,

the sum of \$15,000 per annum; for expenses incurred in the collection and disbursement of interest and principal on registered bonds, the sum of \$4,000 per annum; for purchase of new furniture and fixtures, \$2,000; for premium on treasurer's employes bonds given by surety company, \$1,000 per annum; for express charges, telegraphing and other incidental expenses connected with his office, a sum not to exceed \$2,500 per annum.

*Thirtieth*—To the State Treasurer, such sums as may be necessary to refund the taxes on real estate sold or paid on error and for overpayment of collector's accounts under laws governing such cases, to be paid out of the proper funds.

*Thirty-first*—To the Superintendent of Public Instruction, the following sums are hereby appropriated: For two assistants, the sum of \$2,500 each per annum, \$5,000 per annum; for one clerk, \$1,400 per annum; for one stenographer, \$1,200 per annum; for one stenographer, \$1,000 per annum; for one janitor, messenger and clerk, \$900 per annum; for postage, expressage, telegraphing, expense of State examinations, and all other necessary expenses of his office, a sum not to exceed \$4,500 per annum.

To the Superintendent of Public Instruction to enable him to complete and publish the work of the Educational Commission, \$5,000.

*Thirty-second*—To the Adjutant General for clerk hire in his office the following sums: For chief clerk, \$2,400 per annum; for record clerk, \$1,800 per annum; also the sum of \$1,500 per annum for postage, telegraphing, repairs and other incidental expenses connected with memorial hall and office; also for custodian of memorial hall, \$1,200 per annum; for stenographer, \$1,200 per annum; for custodian of arsenal, \$1,200 per annum; for ordinance sergeant at arsenal, \$720 per annum; for custodian at Camp Lincoln, \$720 per annum: one messenger, \$900 per annum.

*Thirty-third*—To the Board of State Commissioners of Public Charities, for salary of clerk, \$3,600 per annum; for office and incidental expenses of the board, including clerical services in office and auditing institution accounts, necessary expenses of the commissioners and employes while engaged in the discharge of their duties of visitation and inspection within the United States, as required by law, \$10,000 per annum, or so much thereof as may be necessary; for the expenses of the boards of auxiliary visitors in making inspections, as provided by law, \$1,500 per annum; a sum not exceeding \$5.00 in amount to be paid therefrom to each member of said boards upon his filing a certificate of the expense incurred in making such inspection; for expenses of the Illinois State Conference of Charities holding annual sessions, securing speakers, and incidental expenses, \$750 per annum; for expenses incurred by the Department of Visitation of children placed in family home[s], the sum of \$5,500 per annum; for filing cases, \$500.

*Thirty-fourth*—To the Supreme Court, for the purpose of buying additional books for the Supreme Court library, binding books in the library which need to be rebound, the purchase of continuations and renewals of the different reports, encyclopædias, reporters, law magazines

and current text books, \$5,000 per annum: for the expenses of the Supreme Court, stationery, repairs, maintenance of building, printing, furnishing, expressage, telephoning and telegraphing, \$10,000 per annum; for the salary of the librarian of the Supreme Court, \$2,400 per annum; for court stenographic work, \$1,200 per annum; for salary of custodian, \$1,000 per annum; for the salary of the head janitor, \$900 per annum; and for three janitors, \$800 each per annum, \$2,400; messenger, \$800 per annum; matron, \$800 per annum; two elevator conductors, \$800 each per annum, \$1,600 per annum; two watchmen, \$800 each per annum, \$1,600 per annum; one engineer and electrician, \$1,200 per annum.

*Thirty-fifth*—To the clerk of the Supreme Court, one janitor at \$800 per annum.

*Thirty-sixth*—To the Appellate Court of the First District, for rent and for no other purpose, \$10,500 per annum; for the purchase of law books and reports, \$1,000 per annum; for repairing old law books, \$250 per annum; for furniture and carpets, \$750; for incidental expenses, \$1,000 per annum for each court; for stenographer's salary, \$1,500 per annum for each court; said stenographers to be appointed by, and their duties to be prescribed by the clerk and judges of the respective courts; for librarian's salary (both courts), \$800 per annum; for filing cases in library for the purpose of keeping records of pending cases, \$235.

*Thirty-seventh*—To the Second District, Appellate Court, for stationery, fuel, light, postage, expressage, furniture and other expenses deemed necessary by the court, \$2,000 per annum: for law books, \$600 per annum; for rebinding law books, \$300 per annum; for librarian, \$600 per annum; for one stenographer, \$1,500 per annum. The sum of \$1,975 to pay deficiency in fuel, light and book fund.

*Thirty-eighth*—To the Third District, Appellate Court, for stationery, postage, expressage, furniture and other expenses deemed necessary by the court, \$1,000 per annum, the sums to be paid on bills of particulars certified to by the clerk of said court.

*Thirty-ninth*—To the Fourth District, Appellate Court, the sum of \$1,750 per annum for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by the court; for law books, \$500 per annum; for librarian, \$600 per annum; rebinding law books, \$250.

*Fortieth*—Also the sum of \$900 each per annum, \$2,700 per annum, to the Second, Third and Fourth Districts of the Appellate Court for the pay of janitors, to be appointed by the clerks of the respective courts, and to perform such duties as shall be determined by the judges and clerks of the respective court, to be paid on the order of at least two of the judges of each district; for one stenographer for each of the Third and Fourth Districts of the Appellate Court, \$1,500 each per annum, \$3,000 per annum; such stenographers to be appointed and their duties to be prescribed by the clerks of the several Appellate Courts, respectively, such salaries to be paid monthly on pay rolls duly certified to by the respective clerks and approved by at least two of the judges of said courts, respectively.

*Forty-first*—To the Railroad and Warehouse Commission, for the salary of the secretary, \$1,500 per annum; for incidental expenses of their office, including care, furnishings, stationery, postage, telegraphing, extra clerk hire and all necessary expenditures, except those hereinafter provided for, a sum not to exceed \$4,000 per annum.

For any expense incurred in suits or investigations commenced by authority of the State, under any law in force, or hereafter enacted empowering or intrusting the Board of Commissioners with the prosecution of such suits or investigations, including the fees of experts employed and clerical help connected therewith, and the expenses of the commissioners, secretary, consulting engineer and safety appliance inspector, the sum of \$6,000 per annum, or such part thereof as may be necessary for such purposes.

For printing, mailing, expressing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers, express and freight and cars, made or revised for or all of the railroads of the State, as provided by law, the sum of \$1,000 per annum, or so much thereof as may be necessary for such purpose.

For the printing, mailing, expressing and publication of railroad maps of Illinois, both steam and electric, to be bound with annual reports, and for general distribution, the sum of \$2,000 per annum.

For salary of civil engineer, when so employed by the commission, in their discretion, the sum of \$3,000 per annum; for salary of expert clerk, \$3,000 per annum; for salary of assistant secretary, \$1,500 per annum; and for salary of reporter and stenographer, \$1,200.

*Forty-second*—To the Trustees of the Illinois State Museum of Natural History, for salary of curator, \$2,500 per annum; for salary of an assistant curator, \$1,200 per annum; for purchasing books and book-cases, \$1,500; for a janitor, \$800 per annum; for office expenses, \$600 per annum; for the employment of a taxidermist, \$600 per annum.

*Forty-third*—To the Commissioners of Labor Statistics, for the purpose of procuring, tabulating and publishing statistics of labor, as contemplated by law, for clerical services, including special agents, for the incidental expenses of the board, and for defraying the per diem and traveling expenses of the commissioners and secretary, the sum of \$11,000 per annum.

*Forty-fourth*—To the State Mining Board, for the examination of candidates for certificates as mine inspectors, mine managers, mine examiners and hoisting engineers, for per diem and expenses of the board in conducting such examinations, including salary of stenographer at \$720 per annum, the sum of \$6,000 per annum, or as much thereof as may be necessary.

*Forty-fifth*—To the State Mine Inspectors, for actual expenses incurred in the discharge of their duties, as provided by law, the sum of \$6,000 per annum, or as much thereof as may be necessary, of which sum not to exceed \$600 per annum shall be paid to any one inspector.

*Forty-sixth*—To the Illinois Free Employment Office, located in Chicago and Peoria, the following sums: To the South Side office, for

salary of male clerk, \$800 per annum; for salary of female clerk, \$720 per annum; for salary of stenographer, \$900 per annum; for salary of janitor, \$600 per annum; for rent and general expenses, \$2,300 per annum.

To the West Side office, for salary of clerk, \$800 per annum; for stenographer, \$900 per annum; for janitor, \$600 per annum; for rent and general expenses, \$1,800 per annum.

To the North Side office, for salary of clerk, \$800 per annum; for stenographer, \$900 per annum; for janitor, \$600 per annum; for rent and general expenses, \$2,250 per annum.

To the Peoria office, for salary of stenographer, \$720 per annum; for rent and general expenses, \$1,500 per annum.

To the Springfield office, for office furniture and equipment, \$320; for rent and general expenses, \$1,000 per annum; for stenographer, \$720 per annum.

To the East St. Louis office, for salary of stenographer, \$720 per annum for janitor, \$600 per annum; for rent and general expenses, \$1,600 per annum.

*Forty-seventh*—To the Fish Commissioners of the State, the sum of \$6,000 per annum, or so much thereof as may be necessary, to be used by them in pursuance of law: the sum of \$6,000 per annum, or so much thereof as may be necessary, for the services and expenses of such persons as may be employed by them, including wardens, while performing such service; no fees being allowed in the enforcement of the laws for the protection of fish and relating to fishways and for the personal traveling expenses of the commissioners; the sum of \$9,000 per annum, or so much thereof as may be necessary, for the maintenance and operation of the boats owned by the State in the collection of fish, and enforcement of fish laws. To maintain the hatchery now in operation at Havana, \$4,000 per annum: for salaries of the president and secretary of the Fish Commissioners and other authorized officers, the sum of \$4,000 per annum.

*Forty-eighth*—The sum of \$2,000, or so much thereof as may be necessary, to pay the expenses of the committees of the Forty-seventh General Assembly.

*Forty-ninth*—To the State Board of Live Stock Commissioners, the following sums are hereby appropriated: For salary of secretary, \$1,800 per annum; for salary of assistant secretary, who shall be a stenographer and typewriter, \$1,500 per annum; for salary of messenger, \$720 per annum; for telegraphing, postage, expressage and other incidental office expenses, \$1,500 per annum; for per diem and expenses of State Veterinarian, \$3,500 per annum; for salary of chief inspector at Union Stock Yards, Chicago, \$1,800 per annum; for salary of assistant chief inspector, Union Stock Yards, Chicago, \$1,200 per annum; for salary of clerk, Union Stock Yards, Chicago, \$1,800 per annum; for salaries of six agents at Union Stock Yards, Chicago, including horse hire, \$10,200 per annum; for salary of chief inspector, National Stock Yards, \$1,500 per annum; for salaries of one agent at National Stock Yards, \$1,200



per annum, and one at Peoria, \$1,200 per annum; to pay the traveling and incidental expenses of the commissioners and secretary, \$1,000 per annum; for paying damages for animals diseased or exposed to contagion, slaughtered, for per diem and traveling expenses of Assistant State Veterinarians and special agents, for property necessarily destroyed or disinfection of premises, when such disinfection is practicable, under any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$25,000, or so much thereof as may be necessary.

*Fiftieth*—To the Insurance Superintendent, for actuary, \$4,000 per annum; for chief clerk, \$2,500 per annum; for an assistant chief clerk, \$2,100 per annum; for messenger, \$800 per annum; for janitor, \$800 per annum; for other clerk hire, \$20,500 per annum; for postage, express charges, telegraphing, and other incidental expenses, \$6,000 per annum; for expenses in attending the annual convention of insurance commissioners, \$125 per annum; for expenses of examiners and investigations which cannot be collected from the companies or associations examined, \$1,000 per annum, or so much thereof as may be necessary; for all examinations and investigations, such amount for expenses incurred and services of assistants employed as shall be collected from the companies or associations examined; for expenses in the prosecution of violations of the insurance laws, \$6,000 per annum; for legal services, \$4,000 per annum; for printing and distributing the reports of the Farmers' Mutual Insurance Companies, \$1,000 per annum, or so much thereof as may be necessary; for the per diem compensation of examiners of fraternal societies, \$3,500 per annum.

*Fifty-first*—To the trustees of Lincoln Homestead, for the salary of the custodian, the sum of \$1,000 per annum; for repairs and improvements, \$300 per annum; for heating and lighting, \$275 per annum; to be expended by said trustees as provided in the Act of 1887, creating said trust.

*Fifty-second*—To the trustees of Lincoln Monument, for salary of custodian, \$1,000 per annum; for fuel, care of grounds and other incidental expenses, \$1,750 per annum.

*Fifty-third*—To the Illinois State Historical Library, for care, maintenance, purchase of books and manuscripts, the sum of \$5,000 per annum; for editing, printing and publishing historical documents, \$4,000 per annum; for salary of assistant librarian, \$1,100 per annum; for salary of janitor and messenger, \$900 per annum; for stenographer, \$840 per annum; for expenses of Illinois State Historical Society, the holding of its annual meetings, salary of secretary, etc., the sum of \$2,000 per annum; all to be expended under the direction of the trustees of the Illinois State Historical Library.

*Fifty-fourth*—To the Supreme Court Reporter, for the expenses of printing in advance the opinions of the Supreme Court, and of distributing printed proof thereof to the several members of the court and also to the Attorney General, in such cases as the State may be interested in, together with the expenses of transmitting such proofs and

the original opinions by mail and express, and to make printers' corrections in said proofs after final adoption, the sum of \$1,200 per annum, payable upon bills of particulars certified to by at least two judges of said court: For custodian and messenger, \$720 per annum, payable upon bills of particulars duly certified by the reporter.

*Fifty-fifth*—To the State Factory Inspector for rent and light, \$2,000 per annum, for chief clerk, \$1,200 per annum; for two female investigators, \$1,000 each, \$2,000 per annum; for two issuing clerks, \$900 each, \$1,800 per annum; for two stenographers, \$1,000 each, \$2,000 per annum; (to act as clerks when necessary). For traveling expenses for inspector and deputy inspectors, \$10,000 per annum; for telephone, telephoning, telegraphing, express charges, postage, printing and office supplies the sum of \$5,000 per annum.

*Fifty-sixth*—To the State Board of Arbitration, for traveling expenses of the members and secretary and for postage, stationery, telegraphing, telephoning, expressage, additional clerk hire and all other necessary expenses, \$5,000 per annum, or so much thereof as may be necessary.

*Fifty-seventh*—To the Board of Pardons, for postage, telegraphing, expressage and other incidental expenses, \$1,000 per annum; for salary of stenographer, \$720 per annum; for salary of stenographer for services rendered in connection with parole matters, \$480 per annum.

*Fifty-eighth*—To the State Laboratory of Natural History, for the expenses of the natural history survey, the sum of \$8,000 per annum; for the supply of natural history specimens to the public schools, \$500 per annum; for the publication of bulletins and reports, \$1,000 per annum; for purchase of collections of Illinois specimens, \$1,000.

*Fifty-ninth*—To the State Entomologist, for general expenses, \$16,000 per annum; to prevent spread of San Jose Scale and other dangerous insects and contagious diseases of fruits, the sum of \$5,000 per annum; to the Fort Massac trustees, the sum of \$600 per annum for the purpose of paying the salary of the custodian; for general improvements and other necessary expenses, \$2,500 per annum; for erecting a pavilion the sum of \$3,000.

*Sixtieth*—To the State Board of Health, for salary of secretary, the sum of \$3,600 per annum; for salary of assistant secretary, \$1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purpose of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, diphtheria, scarlet fever, influenza and malarial fevers, the sum of \$7,500 per annum; for expenses of laboratory for the investigation of disease, \$4,000 per annum; for chief clerk, \$2,400 per annum; for one clerk, \$1,200 per annum; for two clerks, \$1,000 each per annum, \$2,000 per annum; for stenographer and type-writer, \$1,200 per annum; for registrar of vital statistics, \$1,500 per annum; for janitor and messenger, the sum of \$800 per annum.

Also the sum of \$10,000 per annum, to be used only with the consent and concurrence of the Governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease such as small-pox, yellow fever, Asiatic cholera and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State.

Also the sum of \$30,000 for the necessary expenses, including the salary of stenographer at \$1,200 per annum, incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses and hotels, in cities of one hundred thousand or more inhabitants.

Also the sum of \$23,000 per annum for the free distribution of antiphtheric serum throughout the State as a preventive against the spread of diphtheria; \$8,000 per annum of this sum, or such part thereof as may be necessary to be expended in cities of 100,000 or more inhabitants; also the sum of \$2,000 per annum for the free treatment of poor persons, certified to have been bitten by rabid animals or otherwise put in danger of infection from rabies (Hydrophobia). This sum to be expended according to the provisions of "An Act to provide for the treatment of poor persons afflicted with the disease called rabies," approved May 12, 1905.

Also the sum of \$2,500, or as much thereof as may be necessary, to defray the expenses incurred in the treatment of poor persons duly certified to have been bitten by rabid animals or otherwise put in danger from rabies, in the Pasteur Institute in Chicago, between March 1, 1908, and June 30, 1909.

*Sixty-first*—To the State Food Commissioner, the unexpended balance on hand September 30, 1909, appropriated in article 61 of an Act to provide for the ordinary and contingent expenses of the State government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly, approved June 4, 1907, in force July 1, 1907, and the additional sum of thirty thousand dollars (\$30,000) to be expended as follows:

For expenses six State analysts, \$1,500 per annum; for expenses of sixteen inspectors, \$16,000 per annum; for expenses of laboratory office supplies, \$1,500 per annum; for rent of offices and laboratory, \$3,600 per annum; for postage, \$3,000 per annum; for expenses of State Food Commission, \$5,000 per annum; for express, telegraph, telephone and office expense, \$1,300 per annum; for expenses of Food Standard Commission, \$2,000 per annum; for expenses of attorney, \$500 per annum.

*Sixty-second*—To the State Highway Commission, for experimental work, preparation of road and bridge plans and estimates, collection of highway statistics, and all other expenses that may be necessary for the work of said commission, the sum of \$65,000 per annum.

*Sixty-third*—To the State Civil Service Commission, for salary of assistant secretary, who shall be a stenographer, \$1,200 per annum;

for one stenographer, \$1,000 per annum; one stenographer, \$960 per annum; one messenger, \$720 per annum; for expenses of commissioners, chief examiner and examiners, postage, printing, advertising, telegraphing, telephoning and other necessary incidental expenses and office expenses, the sum of \$6,500 per annum, or so much thereof as may be necessary.

*Sixty-fourth*—To the Board of Prison Industries, for the payment of salaries, postage, telegraphing, telephoning, traveling expenses and such other expenses as may be necessary to carry on the business of the board, the sum of \$16,000 per annum, or so much thereof as may be necessary: *Provided*, that no part of the amount herein appropriated shall be used for office rent in any form or manner whatever.

*Sixty-fifth*—To the State Geological Commission, for the support of and extension of the Geological Survey of the State, the sum of \$25,000 per annum.

For making a survey of overflowed lands in Illinois the sum of \$7,500.

For preparing and engraving illustrations and maps, for printing and binding the reports of the survey; all printing contracts to be approved by the Printer Expert, the sum of \$2,500 per annum.

To the University of Illinois for the investigation of clay working material in cooperation with the State Geological Survey, and for instruction in ceramics, the sum of \$12,500 per annum.

*Sixty-sixth*—To the University of Illinois, for the payment of interest on the endowment funds of said University as provided by section 2 of the Act relating to said University, approved June 11, 1897, for the years 1909 and 1910, the sum of \$65,000, or so much thereof as may be necessary under the terms of said Act.

*Sixty-seventh*—For expense of election contest, *Stevenson v. Deneen*, the following sums: Orville F. Berry, \$1,500.00, Ross C. Hall and Geo. A. Cooke, \$1,500.00; total, \$3,000.00; to Lyman E. Cooley of Chicago, for claim in full on account of Deep Waterway, as follows: Claim on account of extraordinary service rendered between September 15, 1907, and March 1, 1908, \$1,900; for extraordinary service between September 15, and December 31, 1908, in connection with the Chicago convention, the Constitutional amendment, and in Washington, \$1,200; for extraordinary service between January 1 and March 31, 1909, \$500; for unpaid expense account August 1 to December 31, 1908, \$562.23; for bills for expenses from January 1 to March 31, 1909, \$354.98; total, \$4,517.21. Upon the written request of Lyman E. Cooley, which shall be accompanied by bills of particulars of expenses, the Auditor of Public Accounts is hereby authorized to draw a warrant on the State Treasurer in favor of Mr. Cooley for the total amount of the claims, as herein set forth.

*Sixty-eighth*—For repairs and improvements of the grounds around the monument erected by the State to the memory of the persons slain by the Indians on Indian creek, located in Shabonna Park, Freedom township, LaSalle county, the sum of \$1,000.00.

*Sixty-ninth*—To the Commission of Occupational Diseases, for printing, stationery, postage, telegraphing, stenographers, railroad fare and expenses of members of commission, the sum of \$15,000, or as much thereof as may be necessary.

*Seventy*—To the Internal Improvement Commission, for removing dams near Carmi and New Haven and other obstructions in the Little Wabash river, and for survey of rivers and study of water supply and all other necessary expenses for the work of the commission, the sum of \$30,000.

*Seventy-first*—The sum of five hundred dollars, or as much thereof as may be necessary, to pay the expenses of the commission to investigate and report to the Forty-sixth General Assembly by bill or bills, the most advisable method or methods for providing for the commitment of convicted persons to the penal and reformatory institutions of the State, and the classification, treatment, parole and discipline of prisoners and better conduct of those institutions, which commission was appointed by resolution of the Forty-fifth General Assembly, on the 7th day of May, 1908.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for all sums herein appropriated for the pay of clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators, librarians and other employés, when not otherwise provided for by law, to be paid on monthly pay-rolls duly certified to, respectively, by the heads of departments, or by boards of commissioners and trustees requiring the services of such employés; and for all other appropriations specified herein, warrants on the State Treasurer shall, when not otherwise provided by law, be drawn only on itemized bills, accompanied by receipted vouchers, showing the expenditure of moneys named in the itemized bills, except for expenditures for railroad or street car fare. In cases of expenditures for railroad fares, the itemized bills must show from what point to what point traveled, and the amount paid for the same; said itemized bills to be certified to by the heads of departments; all sums disbursed from appropriations made to boards of commissioners, trustees, heads of departments and officers appointed by the Governor shall be paid upon complying with the following requirements: Bills for traveling expenses shall be certified to by heads of departments, boards of commissioners and trustees and approved by the Governor. All such bills must show items by dates and charges for transportation shall show from what point to what point traveled and

the amount for the same. All charges for hotels, meals and incidental expenses shall be shown by dates. Bills for traveling expenses shall be itemized and made out on blanks as follows:

Date.	TRANSPORTATION.		Fare.	Sleeping Car and Extra Fares.	Bus, Cab, Carriage and Car Fare.	Hotel and Meals.	INCIDENTALS.		Total.
	From	To					Item.	Am't.	
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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All bills for traveling expenses shall be certified to by the party making the charge as follows:

I CERTIFY that the above account is correct and just; that the detailed items charged within are taken and verified from a memorandum kept by me; that the amounts charged for subsistence were actually paid, and the expenses were occasioned by official business or unavoidable delays, requiring my stay at hotels for the time specified; that I performed the journey with all practicable dispatch, by the shortest route usually traveled, in the customary reasonable manner, and that I have not been furnished with transportation, or money in lieu thereof, for any part of the journey herein charged for.

Pay rolls for commissioners, trustees, and officers appointed by the Governor shall be certified to by heads of departments and approved by the Governor. All other bills for these departments shall be paid only on itemized accounts accompanied by receipted vouchers and approved by the Governor.

The Auditor is hereby authorized and it is made his duty, to refuse any warrant or warrants when any of the provisions of this Act are not strictly complied with.

APPROVED June 16, 1909.

#### SUPREME COURT AND TEMPLE OF JUSTICE.

§ 1. Appropriates \$5,000 for purposes enumerated and provides for certain employes until July 1, 1909.

§ 2. How drawn—emergency.

(HOUSE BILL NO. 110. APPROVED APRIL 29, 1909.)

AN ACT to make appropriations to provide for the current expenses of the Supreme Court, and for the care of the Temple of Justice build- and grounds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the current expenses of the Supreme Court, and for the

care of the Temple of Justice building and grounds, including installation of mechanical equipment and engineering appliances, the sum of five thousand dollars.

For two janitors, the sum of sixty-six dollars per month each, from the taking effect of this Act until July 1, 1909.

For one assistant engineer and electrician, the sum of one hundred and twenty-five dollars per month, from February 1, 1909, until July 1, 1909.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon vouchers signed by two of the justices of said Supreme Court.

WHEREAS, An emergency exists, therefore this Act shall be in force and effect from and after its passage and approval.

APPROVED April 29, 1909.

VICKSBURG MILITARY PARK COMMISSIONERS—NAMES OF SOLDIERS  
AND SAILORS REVISED.

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|---|-----------------|
| § 1. Appointment of commissioners—<br>duties.                     | § 4. How drawn. |
| § 2. Additional names and corrections<br>—printing—annual report. | § 5. Emergency. |
| § 3. Appropriates \$2,000—employes<br>—expenses, etc.             |                 |

(HOUSE BILL No. 490. APPROVED JUNE 9, 1909.)

AN ACT *authorizing the making of additions to, and the correction of, names of Illinois soldiers or sailors enrolled upon the tablets erected within the Illinois State Monument, or Memorial Temple, in the National Military Park at Vicksburg, Mississippi; and providing for the appointment of commissioners therefor, and making appropriation for the payment of the cost and expenses thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Governor of the State of Illinois be and he is hereby authorized and empowered to appoint five (5) commissioners, who shall ascertain the names of any Illinois soldiers or sailors, who participated in the campaign and siege of Vicksburg, Mississippi, that have been omitted from enrollment upon the bronze tablets erected inside the Illinois State Monument, or Memorial Temple, in the National Military Park at Vicksburg, Mississippi; and who shall cause to be placed upon the tablets already erected, or upon an additional tablet, or tablets, to be erected within the said monument, or temple, such names of Illinois soldiers or sailors so omitted; and said commissioners shall also cause to be corrected the spelling of any of the names already enrolled on the tablets within said monument, or temple, so far as it shall be made to appear that the same are now incorrectly spelled thereon, and so far as such corrections shall be practicable.

§ 2. Said commissioners shall also cause to be printed two thousand (2,000) copies of a suitable page or pages, containing all such additional names and all corrections so placed and made under the provisions of this Act, and shall send a copy of such page, or pages, by mail, to each of the known holders of the book entitled, "Illinois at Vicksburg," printed and distributed by authority of law by the Illinois Vicksburg Military Park Commission. Said commissioners shall make report to the Governor of all their acts and doings under this Act.

§ 3. For the purpose of carrying out the provisions of this Act, the sum of two thousand dollars (\$2,000) or so much thereof as shall be necessary, is hereby appropriated, to pay the costs and expenses of such additional work and tablet or tablets, and printing and distribution of such page, or pages, and the necessary expenses of said commissioners, and other necessary expenses involved in carrying out the provisions of this Act. Said commissioners are hereby authorized and empowered to employ a competent person, or persons, to prepare and furnish the necessary details for said work, who may be of their number, and to pay such person, or persons, not exceeding ten dollars (\$10.00) per day for each day necessarily employed in the performance of such duty, and also to employ such person, or persons, as they may select for that purpose to furnish the materials and do the other work necessary to carry out the provisions of this Act.

§ 4. The Auditor of Public Accounts of the State of Illinois is hereby authorized and empowered and directed to draw warrants on the State Treasurer of the State of Illinois for the payment of all expenditures necessary to carry out the provisions of this Act, upon presentation to him of proper vouchers therefor, certified by said commissioners and approved by the Governor of said State.

§ 5. WHEREAS, An emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

APPROVED June 9, 1909.

## ARCHITECTS.

### STATE ARCHITECT—COMPENSATION AND DUTY.

§ 1. Amends sections 2 and 3, Act of 1899.

§ 2. As amended, allows 2½ per cent for services—how paid.

§ 3. As amended, provides for assistants.

(HOUSE BILL NO. 156. APPROVED JUNE 8, 1909.)

AN ACT to amend sections 2 and 3 of an Act entitled, "An Act creating the office of supervising architect of the State of Illinois and defining his powers and duties," approved April 24, 1899, in force July 1, 1899, as amended by an Act of May 16, 1905, in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That sections 2 and 3 of an Act entitled, "An Act creating the office of supervising architect of the State



of Illinois and defining his powers and duties," approved April 24, 1899, in force July 1, 1899, as amended by an Act [of] May 16, 1905, in force July 1, 1905, be amended to read as follows:

§ 2. The compensation of such State Architect shall be five thousand dollars (\$5,000) per annum, and the Auditor of Public Accounts is hereby authorized and directed to issue his warrants on the treasurer in favor of such State Architect, for the amount specified in this section, and the State Treasurer is hereby authorized and directed to pay said warrants out of any money in the treasury not otherwise appropriated, and in addition to his salary as herein provided, the board of trustees of the several State institutions, and commissions, and other departments shall pay to the State Architect all necessary expenses incurred by him and his draughtsmen, superintendents, and other assistants in rendering architect's services. Such bills for services shall be two and one-half per cent ( $2\frac{1}{2}$  per cent) of the cost of the work for which such architectural service is rendered and shall be audited by the board of trustees of the several State institutions, the commissions and departments, for which said services are rendered.

§ 3. Such State Architect is hereby authorized and empowered and it shall be his duty to make and provide all drawings, plans, specifications, and models for the erection of all public buildings and improvements of the State, including additions, alterations and repairs to buildings already erected, and including, also, the construction and perfection of all systems of sewerage, drainage and plumbing; and including also the improvements of all grounds upon which such buildings are to be erected, all of which said drawings, plans, specifications and models shall be submitted to the Governor for his approval. Such State Architect shall have general supervision over the erection and construction of all public buildings and works of the State and also over the inspection of all materials previous to their incorporation into such buildings or works. He shall see that such public work or building, as a whole or in part, is prosecuted with diligence and in a proper and workman-like manner; and if satisfied that such work is being slighted, inferior material being used or any fraud is being practiced by any contractor, whereby the interests of the State may be injuriously affected, he shall report the same to the proper officer, commissioner or board, in order that such officer, commissioner or board may, in his or their discretion, annul all contracts with any such contractor. Such State Architect is hereby empowered to employ such assistants as he may find necessary to carry on the work above specified, such assistants to be under the direction and control of said State Architect. Such State Architect is hereby given the power of defining the true intent and meaning of all drawings, plans and specifications; and he shall have authority to stop the progress of the work thereunder and order its removal when not in accordance therewith. It shall be the duty of such State Architect, upon the written request of the proper officer, commissioner or board to do and perform any and all things in this section mentioned and enumerated as herein provided.

APPROVED June 8, 1909.

## ART.

## STATE ART COMMISSION.

§ 1. Creation.

§ 2. Composition—appointment—term  
—vacancies.§ 3. Commission shall serve without  
compensation—rules—quorum.

§ 4. Duties.

(SENATE BILL No. 415. APPROVED JUNE 4, 1909.)

AN ACT to create a State Art Commission and to define its powers and duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby created a commission to be known as the State Art Commission of the State of Illinois.

§ 2. Said commission shall consist of two (2) painters, two (2) sculptors, two (2) architects and two (2) other persons not engaged in any of the aforesaid pursuits, all to be citizens and residents of the State of Illinois, who shall be appointed by the Governor with the advice and consent of the Senate; and of the Governor who shall be a member of said commission by virtue of his office. The Governor shall in the first instance appoint one (1) painter, one (1) sculptor, one (1) architect and one (1) other person whose terms of office shall expire two years from July 1, 1909, and one (1) painter, one (1) sculptor, one (1) architect and one (1) other person whose terms of office shall expire four years from July 1, 1909; and thereafter the terms of office of the members of said commission shall be four years: *Provided*, that if a vacancy occur for any reason in said commission the Governor shall appoint a person of the same class to fill said vacancy who shall serve until the end of the unexpired term of his predecessor.

§ 3. Said commission shall serve without compensation and shall have power to adopt its own rules and to elect such officers from its own members as may be deemed proper. Five (5) commissioners shall constitute a quorum for all purposes.

§ 4. It shall be the duty of the commission to act in an advisory capacity relative to the creation, acquisition, construction, erection or remodeling by the State, or upon any land owned by the State, of any work of art, and relative to the artistic character of any building constructed, erected or remodeled by the State, or upon land owned by the State; and when, upon the request of the Governor, there shall be submitted to said commission any plan, proposal or offer relating or looking to the creation, acquisition, construction, erection or remodeling by the State, or on land or in a building owned by the State, of any work of art, or relating to the erection, construction or remodeling of a building to be owned by the State or on State land, and said plan, proposal or offer is accompanied by such designs, descriptions, specifications, drawings or models as shall be sufficient to enable the commission to determine the artistic character

of said work of art or of said building, it shall be the duty of the commission to file with the Governor within sixty days from the submission of the matter descriptive of said work of art or buildings, its opinion, either approving or condemning the same; to which the commission may add such suggestions and recommendations as it deems proper; and the term "building" shall include structures intended for human occupation and use, and also all bridges, arches, gates, walls or other permanent structures of any character; and the term "work of art" as used herein is intended to include any painting, portrait, mural decoration, stained-glass, statue, bas-relief, ornament, fountain or any other article or structure of a permanent character intended for decoration or commemoration.

APPROVED June 4, 1909.

## ATTORNEYS AND COUNSELORS.

### ATTORNEY'S LIEN.

§ 1. Lien for fees—notice—enforcement.

(HOUSE BILL No. 534. FILED JUNE 16, 1909.)

AN ACT creating attorney's lien and for enforcement of same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That attorneys at law shall have a lien upon all claims, demands and causes of action, including all claims for unliquidated damages, which may be placed in their hands by their clients for suit or collection, or upon which suit or action has been instituted, for the amount of any fee which may have been agreed upon by and between such attorneys and their clients, or, in the absence of such agreement, for a reasonable fee, for the services of such attorneys rendered or to be rendered for their clients on account of such suits, claims, demands or causes of action: *Provided, however,* such attorneys shall serve notice in writing upon the party against whom their clients may have such suits, claims or causes of action, claiming such lien and stating therein the interest they have in such suits, claims, demands or causes of action, and such lien shall attach to any verdict, judgment or decree entered and to any money or property which may be recovered, on account of such suits, claims, demands or causes of action, from and after the time of service of the aforesaid notice. On petition filed by such attorneys or their clients any court of competent jurisdiction shall, on not less than five days' notice to the adverse party, adjudicate the rights of the parties and enforce such lien in term time or vacation.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## BARBERS.

## REGISTRATION OF BARBERS—BOARD OF EXAMINERS.

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| § 1. Certificate of registration required—proviso.<br>§ 2. Board of examiners.<br>§ 3. Organization—bonds of officers.<br>§ 4. Compensation of members.<br>§ 5. Meetings—complaints—records.<br>§ 6. Annual report.<br>§ 6a. Affidavit of practicing barber. | § 7. Examinations—fee—permit.<br>§ 8. Apprentices and students.<br>§ 9. Card or insignia—renewal.<br>§ 10. Register.<br>§ 11. Rules.<br>§ 12. Construction of Act.<br>§ 13. Penalty. |
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(HOUSE BILL NO. 232. APPROVED JUNE 10, 1909.)

*AN ACT to regulate the pursuit of the business art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person to follow the occupation of barber in this State, unless he shall first have obtained a certificate of registration as provided in this Act: *Provided, however,* that nothing contained in this Act shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

§ 2. A board of examiners, to consist of three (3) persons, is hereby created to carry out and enforce the provisions of this Act. Said board shall be appointed by the Governor and shall consist of practical barbers who have been for at least five (5) years prior to their appointment, engaged in occupation of barber in this State. Each member of said board shall serve a term of two (2) years and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1), two (2) [and] three (3) years respectively, and shall take the oath provided for public officers. Vacancies shall be filled by the Governor for the unexpired portion of the term.

§ 3. Said board shall elect a president, secretary and treasurer, shall have a common seal, and shall have the power to administer oath. The office of secretary and treasurer may be filled by the same person, as said board may determine. The secretary and treasurer shall give a bond in the sum of one thousand dollars (\$1,000.00), with sureties approved by the Secretary of State, conditioned for the faithful performance of the duties of the office.

§ 4. Each member of said board shall receive a compensation of four (4) dollars per day and actual expenses for actual service, and two (2) cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided*, that said compensation and mileage shall in no event be paid out of the State treasury.

§ 5. Said board shall hold practical examinations at least four times each year, said examinations to be held in cities in different parts of the State, distributed as evenly as possible for the convenience of the applicants, and such other examinations at such times and places as they may, from time to time determine. Whenever complaint is made that any barber shop is kept in an unsanitary condition, or that contagious diseases have been imparted, a member of the board shall visit and inspect such shops and enforce the provisions of this Act. The board shall keep a record of all its proceedings, shall also show if such applicant was registered or rejected by examination, or otherwise, such book shall be *prima facie* evidence of all matters required to be kept therein.

§ 6. Said board shall file with the Governor on the 1st day of July of each year, an itemized statement of all the receipts and expenses of the board for the year.

§ 6a. All those now actually engaged in the occupation as barber, in this State, shall within ninety days after the approval of this Act, file with said board an affidavit setting forth his name, residence and length of time, and the place where he has practiced the trade, and shall pay to the secretary of said board the fee of \$1.00 and a certificate of registration shall be granted to him authorizing him to practice as barber in this State.

§ 7. Any person desiring to obtain a certificate of registration under this Act shall make application to such board therefor, pay to the treasurer of said board an examination fee of three (3) dollars, present himself at the next regular meeting of the board for the examination of applicants, and if he shows that he has studied and practiced the trade for three (3) years as an apprentice under one or more practicing barbers, or for at least three (3) years in a properly appointed and conducted barber school under the instructions of a competent barber, or practiced the trade for at least three (3) years in this State or other states, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair-cutting and all the duties and services incident thereto, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said

trade in this State. All persons making application for examination under the provisions of this Act shall be allowed to practice the occupation of barbering until the next meeting of the board, and the board shall issue a permit authorizing him to practice said trade until the next meeting of the board.

§ 8. Nothing in this Act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this Act, or from serving as a student in any barber school for the training of students in such trade under the training of a qualified barber: *Provided*, that such apprentice or student shall apply to said board to have his name registered with said board in a book which shall be kept by the board for the registering of apprentices and students and secure a permit to practice as an apprentice or student under the instructions of a qualified barber. After having practiced the trade for three (3) years under a qualified barber such apprentice or student shall be eligible to become a registered barber and present himself at the next meeting of the board held nearest to him for the examination of applicants, and pay the fee of three (3) dollars for examination, as provided in section 7.

§ 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or an insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of section 11 of this Act.

§ 10. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this Act, and said register shall be at all times open to public inspection.

§ 11. Said board shall be authorized to adopt reasonable rules providing for the sanitary regulation of barber shops, subject to the approval of the State Board of Health, and shall have the power to enter any barber shop during business hours for the purpose of inspection of such shops. If any shop be found in an unsanitary condition, or if any barber working therein has been charged with imparting any contagious or infectious disease, the board shall immediately notify the health officer thereof, and such shop shall be quarantined and the barber so charged shall not practice his occupation until such quarantine shall be removed by the health officers. Said board shall have the power to revoke any certificate of registration granted by it under this Act, for conviction of crime, habitual drunkenness, for six months immediately before a

charge duly made, gross incompetency, failure to comply with the sanitary rules approved by the State Board of Health or for having imparted any contagious or infectious disease: *Provided*, that before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice at least five (5) days after the service notice thereof, be given a public hearing and be given an opportunity to present testimony in his behalf, and to confront the witnesses against him. Any person whose certificate has been revoked, may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that his disqualification has ceased to exist.

§ 12. To shave or trim the beard or cut the hair of any person for hire by the person performing such service or any other person, shall be construed as practicing the occupation of barber within the meaning of this Act.

§ 13. Any person practicing the occupation of barber in this State without having obtained a certificate of registration, as provided by this Act, or wilfully employing a barber who has not such a certificate or falsely pretending to be qualified to practice such occupation under this Act, or violating any of the provisions of this Act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than one hundred dollars (\$100) or by imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days.

APPROVED June 10, 1909.

## CEMETERIES.

### TRUST FUNDS.

§ 1. Amends sections 4, 5 and 6, Act  
of [1885.]

§§ 4, 5 and 6. As amended,  
include trustees of  
public graveyards.

(HOUSE BILL NO. 361. APPROVED JUNE 10, 1909.)

AN ACT to amend sections four (4), five (5) and six (6) of an Act entitled, "An Act to protect cemeteries and to provide for their regulation and management," approved June 29, 1885, in force July 1, 1885, as amended by an Act approved June 3, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four (4), five (5) and six (6) of an "Act to protect cemeteries and to provide for their regulation and management" be, and the same is hereby amended to read as follows:

§ 4. The board of directors of such cemetery society, or cemetery association, or the trustees of any public graveyard, may set apart such

portion as they see fit of the moneys received from the sale of the lots, in such cemetery or graveyard, which sums shall be kept separate from all other assets as an especial trust fund, and they shall keep the same invested in safe interest or income paying securities, for the purpose of keeping said cemetery or graveyard, and the lots therein, permanently in good order and repair, and the interest or income derived from such trust fund shall be applied only to that purpose, and shall not be diverted from such use.

§ 5. It shall be the duty of the board of directors of such cemetery society, or cemetery association, or trustees of a public graveyard to receive by gift or bequest, real or personal property, or the income or avails of property which shall be conveyed in trust for the improvement, maintenance, repair, preservation and ornamentation of such lot or lots, vault or vaults, tomb or tombs, or other such structures in the cemetery or graveyard of which such board or trustees have control, as may be designated by the terms of such gift or bequest, and in accordance with such reasonable rules and regulations therefor, as shall be made by such board of directors or trustees, and such board of directors or trustees shall keep such trust funds invested in safe interest or income bearing securities, the income from which shall be used for the purpose aforesaid.

§ 6. The trust fund mentioned in sections four (4) and five (5) of this Act, shall be vested in said board of directors or trustees, and the securities taken therefor shall be approved by the county wherein such cemetery or graveyard is located; and said board of directors or trustees shall, once in every two years, make an itemized report to said judge of all such trust funds in their hands, and the securities taken therefor.

APPROVED June 10, 1909.

## CHARITIES.

### CONTROL OF CHARITABLE INSTITUTIONS.

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| § 1. Preamble—purpose of Act.  | § 5a. Charities commission — appointment—term—oath. |
| § 2. Institutions enumerated.  | (b.) Vacancy.                                       |
| § 3. Institutions re-named.  | (c.) Officers and employes,                         |
| § 4a. Board of Administration — appointment—term—classes — qualification—oath. | (d.) Compensation—expenses —office—stationery.      |
| (b.) Removal of members—vacancy.   | (e.) Powers and duties.                             |
| (c.) Organization — officers and employes.                                     | (f.) Meetings—rules.                                |
| (d.) Salary and expenses.  | § 6. Boards of trustees—commissioners and managers. |
| (e.) Office—seal.  | § 7a. Visitors—appointment—oath.                    |
| (f.) Powers and duties.  | (b.) Vacancy—how filled.                            |
| (g.) Board shall make rules.   | (c.) Powers and duties.                             |
| (h.) Annual report of board.   | (d.) Compensation — expenses.                       |
| (i.) Visits by board.  | § 8. Expenses—how certified.                        |
| (j.) Conferences.  |   |



CONTROL OF CHARITABLE INSTITUTIONS—*Concluded.*

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| <p>§ 9. Contracts—penalty for officers.</p> <p>§ 10. Psychopathic institute—officers—assistants.</p> <p>§ 11. Appointments—civil service.</p> <p>§ 12. Employèes—salaries.</p> <p>§ 13. Fiscal supervisor—powers and duties.</p> <p>§ 14. Appropriations.</p> <p>§ 15. Board of joint estimate—purchase of supplies.</p> <p>§ 16. Monthly estimates—contingent fund.</p> <p>§ 17. State Treasurer to hold funds—exception.</p> <p>§ 18. Bonded employèes.</p> <p>§ 19. Admission of inmates.</p> <p>§ 20. Removal of inmates from county to State institutions.</p> <p>§ 21. Return to county institutions forbidden—counties not to care for insane.</p> <p>§ 22. Transfer of insane patients.</p> <p>§ 23. Support of inmates.</p> | <p>§ 24. Postal rights and privileges.</p> <p>§ 25. Property of discharged or deceased patients.</p> <p>§ 26. Boarding out of patients.</p> <p>§ 27. After-care of patient.</p> <p>§ 28. Private institutions—board may license—no commitment to unlicensed institutions.</p> <p>§ 29. Occupation of inmates.</p> <p>§ 30. Visitation of children—certification of associations.</p> <p>§ 31. State conferences.</p> <p>§ 32. Jails and almshouses—plans submitted to board.</p> <p>§ 33. Investigations by board.</p> <p>§ 34. Compelling testimony.</p> <p>§ 35. Appropriation for salary and expenses.</p> <p>§ 36. When Act goes into effect.</p> <p>§ 37. Appropriation—how drawn.</p> <p>§ 38. Repeals Acts of 1869 and 1907.</p> |
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(SENATE BILL NO. 448. APPROVED JUNE 15, 1909.)

AN ACT to revise the laws relating to charities and making an appropriation to carry out the provisions thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:*

PREAMBLE—PURPOSE OF THE ACT.] That the purpose of this Act is to provide humane and scientific treatment and care and the highest attainable degree of individual development for the dependent wards of the State;

To provide for delinquents such wise conditions of modern education and training as will restore the largest possible portion of them to useful citizenship;

To promote the study of the causes of dependency and delinquency, and mental, moral and physical defects, with a view to cure and ultimate prevention;

To secure the highest attainable degree of economy in the business administration of the State institutions consistent with the objects above enumerated, and this Act, which shall be known as the code of charities of the State of Illinois, shall be liberally construed to these ends.

§ 2. STATE CHARITABLE INSTITUTIONS.] The following are the State charitable institutions:

The Illinois Northern Hospital for the Insane, at Elgin;

The Illinois Eastern Hospital for the Insane, at Kankakee;

The Illinois Central Hospital for the Insane, at Jacksonville;

The Illinois Central Hospital for the Insane, at Jacksonville;  
 The Illinois Southern Hospital for the Insane, at Anna;  
 The Illinois Western Hospital for the Insane, at Watertown;  
 The Illinois General Hospital for the Insane, at South Bartonville;  
 The Illinois Asylum for Insane Criminals, at Chester;  
 The Illinois School for the Deaf, at Jacksonville;  
 The Illinois School for the Blind, at Jacksonville;  
 The Illinois Industrial Home for the Blind, at Chicago;  
 The Illinois Asylum for Feeble Minded Children, at Lincoln;  
 The Illinois State Colony for Epileptics;  
 The Illinois Soldiers' and Sailors' Home, at Quincy;  
 The Soldiers' Widows' Home of Illinois, at Wilmington;  
 The Illinois Soldiers' Orphans' Home, at Normal;  
 The Illinois Charitable Eye and Ear Infirmary, at Chicago;  
 The State Training School for Girls, at Geneva;  
 The St. Charles School for Boys, at St. Charles.

§ 3. INSTITUTION TITLES.] The State institutions, named in this section, shall be known and designated hereafter by their respective titles as expressed in this section, namely:

The Illinois Northern Hospital for the Insane, at Elgin, shall be known and designated as the Elgin State Hospital.

The Illinois Eastern Hospital for the Insane, at Kankakee, shall be known and designated as the Kankakee State Hospital.

The Illinois Central Hospital for the Insane, at Jacksonville, shall be known and designated as the Jacksonville State Hospital.

The Illinois Southern Hospital for the Insane, at Anna, shall be known and designated as the Anna State Hospital.

The Illinois Western Hospital for the Insane, at Watertown, shall be known and designated as the Watertown State Hospital.

The Illinois General Hospital for the Insane, at South Bartonville, shall be known and designated as the Peoria State Hospital.

The Illinois Asylum for Insane Criminals, at Chester, shall be known and designated as the Chester State Hospital.

The Illinois Asylum for Feeble Minded Children, at Lincoln, shall be known and designated as the Lincoln State School and Colony.

The Illinois State Colony for Epileptics shall be known and designated as the Illinois State Colony for Improvable Epileptics.

§ 4. (A) BOARD OF ADMINISTRATION—APPOINTMENT—TERM OF OFFICE—CLASSES OF MEMBERS—QUALIFICATION—OATH.] The Governor, by and with the advice and consent of the Senate, shall appoint, within thirty days after July 1, A. D. 1909, five persons, (no more than three of said persons shall belong to or be affiliated with the same political party) to be called and known as the Board of Administration, referred to and designated hereafter in this Act as the "board." One person appointed on the board shall be qualified by experience to advise the board regarding the care and treatment of the insane, feeble-minded, and epileptic. One person appointed on the board shall be, and shall be designated in the appointment as, the president, who shall

be the executive officer of the board. From time to time the Governor shall designate the member of the board who shall be its president. The remaining three members of the board shall be reputable citizens. Members of the board, so appointed, shall hold office one for two years, two for four years, and two for six years, and until their successors are appointed and qualified, and, after the terms prescribed in the foregoing shall have expired, the successors of the members appointed for said terms shall when appointed, hold office for six years, and until their successors are appointed and qualified. Each member before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State for State officers. Said oath shall be filed in the office of the Secretary of State. No member shall qualify or enter upon the duties of his office, or remain therein while he is a trustee, manager, commissioner, director of or in any manner officially related to an institution subject to the administration, visitation and inspection of the board.

(B) REMOVAL OF MEMBERS—VACANCY.] The Governor shall have the power to remove any member of the Board of Administration for incompetency, neglect of duty, or malfeasance in office. In case of a vacancy in the board, the said vacancy shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session, the Governor may make appointments to fill vacancies, but all appointments made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent: *Provided*, that in case of a vacancy in the board caused by the death, resignation or removal of the member appointed because of his qualifications to advise the board regarding the care and treatment of the insane, feeble-minded and epileptic, the appointment of the successor of such member shall be made as prescribed for the original appointment in section 4 (A) of this Act. The failure on the part of any member of the board to attend three consecutive meetings of the board, unless excused by a formal vote of the board, may be treated by the Governor as a resignation by such non-attending member, and the Governor may appoint his successor.

(C) ORGANIZATION—FISCAL SUPERVISOR, SECRETARY AND OTHER OFFICERS AND EMPLOYEES.] Within a reasonable time after appointment the members of the board shall complete their organization by electing one member of the board to be the fiscal supervisor, whose duties are hereinafter prescribed, and by electing one member to be the secretary, whose duties shall be prescribed in rules adopted by the board. The board shall have the power to employ such other officers, agents and employes as it may deem necessary for the efficient conduct of its business.

(D) SALARY—EXPENSES.] Each member of said board shall receive an annual compensation of six thousand dollars, and shall be allowed his actual traveling expenses incurred in official business. Each member shall devote his entire time to the duties of his position and shall hold no other lucrative office, nor follow any other gainful profession, occupation or employment.

(E) OFFICE—SEAL.] The Secretary of State shall provide said board with suitably furnished offices in the capitol building at Springfield; and shall provide said board with the necessary blank books, blanks, stationery and printed matter. The board shall have an official seal. Every process, order or other paper issued or executed by the board may be attested, by direction of the board, under its seal, by its secretary or by any member of the board, and when so attested, shall be deemed to be duly executed by the board.

(F) GENERAL POWERS AND DUTIES.] The board provided for herein shall:

1. Be a body corporate under and by the name of "The Board of Administration," and, in addition to the powers expressly conferred, shall have all such authority as may be necessary to the full and complete performance thereof.

2. Exercise executive and administrative supervision over all State charitable institutions, now existing or hereafter acquired or created.

3. Succeed to all property rights of the boards of trustees, managers, or commissioners of the State charitable institutions. All the rights, title and interest of the boards of trustees, managers, or commissioners of the State charitable institutions in and to land, money, or other property, real and personal, held for the benefit of their respective institutions, or for other public use, are hereby divested and are, without further process of law, vested in the Board of Administration, created by this Act, but in trust and for the use and by the authority of the State of Illinois. Any and all unexpended appropriations heretofore made by the Forty-sixth General Assembly, or that may hereafter be made by said General Assembly, to any of the State charitable institutions named in this Act, shall be payable to the Board of Administration when this Act goes into full force and effect, as provided in section 36 of this Act, to be used by it for the purposes for which the same were appropriated. All unexpended appropriations made to the Board of State Commissioners of Public Charities shall be payable, when this Act goes into full force and effect, to the Charities Commission, created in this Act, except that unexpended appropriations for the Department of the Visitation of Children shall be payable to the Board of Administration. The unexpended appropriations heretofore or hereafter made by the Forty-sixth General Assembly to the several State charitable institutions mentioned in this Act for ordinary, or maintenance expenses, and received by the Board of Administration, as hereinbefore provided in this section, shall be consolidated and may be used by the said Board of Administration for the several institutions according to the needs of such institutions respectively. The Auditor of Public Accounts is hereby authorized and directed to pay to the Board of Administration and to the Charities Commission respectively, the moneys heretofore or hereafter appropriated by the Forty-sixth General Assembly to the several State charitable institutions, named in this Act, and the moneys heretofore or hereafter appropriated by the said General Assembly to the

Board of State Commissioners of Public Charities, which remain unexpended on January 1, 1910, and are herein transferred to the Board of Administration and to the Charities Commission respectively, by drawing his warrant upon the State Treasurer for the moneys herein transferred to said Board of Administration, on the order of said board, attested by its secretary, with the seal of said board attached and approved by the Governor, and by drawing his warrant upon the State Treasurer for the moneys transferred herein to the Charities Commission, upon the order of said commission, attested by its executive secretary, with the seal of said commission attached and approved by the Governor.

4. Accept and hold in behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the State of Illinois, to the Board of Administration, or to any State hospital, or the trustees thereof, heretofore or hereafter made in trust for the maintenance or support of an insane person or persons in a State hospital or hospitals, or for any other legitimate purpose connected with any such hospital or hospitals. The board shall cause each said gift, grant, devise or bequest to be kept as a distinct fund, and shall invest the same in the manner provided by the laws of this State as the same now exist, or shall hereafter be enacted, relating to securities in which the deposit in savings banks may be invested. But the board may, in its discretion, deposit in a proper trust company or savings bank, during the continuance of the trust, any fund so left in trust for the life of a single person, and shall adopt rules and regulations governing the deposit, transfer or withdrawal of such fund. The board shall, on the expiration of any trust as provided in any instrument creating the same, dispose of the fund thereby created in the manner provided in such instrument. The board shall include in its annual report a statement showing what funds are so held by it and the condition thereof: *Provided*, that moneys deposited with managing officers by relatives, conservators or friends of inmates, for the special comfort and pleasure of such inmates, shall remain in the hands of the said managing officers for disbursement to or for the benefit of such inmates; but each managing officer shall keep in a book an itemized account of all receipts and expenditures of funds described in this proviso, which book shall be open at all times to the inspection of any member of the Board of Administration or of the Charities Commission, created in this Act.

5. Be charged with the duties of inspection and investigation of outdoor poor relief, almshouses, children's homefinding societies, orphanages and living-in hospitals.

6. Be charged with the duties of investigating, inspecting and licensing all institutions, houses or places, in which any person is or may be detained for care or treatment for mental or nervous diseases, as hereinafter provided.

7. Have the power of appointment and removal of the superintendents or managing officers of the State charitable institutions; and, subject to the State Civil Service law, the appointment and removal of all other employes of the said institutions of the State Psychopathic Institute provided for herein, and of the Board of Administration.

8. On complaint in writing of at least two reputable citizens, may visit and inspect any charitable society, institution or association which appeals to the public for aid, or is supported by trust funds; and shall report to the Governor upon its efficiency, economy and usefulness.

9. Inspect and investigate county jails, city prisons, houses of correction, workhouses, and all places in which persons convicted or suspected of crime are confined, to collect important statistics concerning the inmates; to ascertain the sanitary condition of such institutions, and to ascertain how the insane are treated.

10. Regulate the admission of patients and inmates into State hospitals and the Lincoln State School and Colony as provided herein.

11. Be charged with the visitation of children placed in family homes and the certification of home-finding associations and orphanages and with the duty of examining into the merits and fitness of all associations which purpose caring for dependent, neglected or delinquent children and which seek incorporation and of reporting its findings and recommendations relative to incorporation to the Secretary of State.

12. Succeed to the powers and duties given by law to the Board of State Commissioners of Public Charities in relation to the Illinois State Colony for Improvable Epileptics.

(G) RULES.] The board shall make all rules necessary for the execution of its powers. The managing officer of each State institution, embraced in this Act, shall make such special rules as may be needful, subject to the approval of the board.

(H) ANNUAL REPORT.] The board shall, on or before the fifteenth of October of each year, report to the Governor its acts, proceedings and conclusions for the preceding fiscal year, which report shall contain a complete financial statement of the various State institutions under its jurisdiction, and shall state whether the moneys appropriated for their aid are or have been economically and judiciously expended, whether the objects of the several institutions are accomplished, whether the laws in relation to them are fully complied with, and whether all parts of the State are equally benefited by said institutions, together with such other information and recommendations as it may deem proper. The board shall make such other reports as the Governor may require.

(I) OFFICIAL VISITS.] Each State institution shall be visited at least once a quarter by a member of the board. Such visits shall be made on such days and at such hours of the day or night, and for such length of time, as the visiting member may choose. But each member may make such other visits as he, or the board, may deem necessary. Each visit shall include to the fullest extent deemed necessary, an inspection of every part of each institution and the out-houses, places, buildings and grounds belonging thereto or used in connection therewith. The board, from time to time, shall make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient or inmate confined therein, especially those admitted since the last preceding visit, giving such as may require it opportunity to

converse with the members of the board, apart from the officers and attendants. At the next regular or special meeting of the board, after any such visit, the visiting member shall report the result thereof, with such recommendations as he may deem necessary for the better management or improvement of any institution.

(J) The board, at least once each year, at a time to be appointed by the board, shall meet the superintendents and managing officers of each State institution, and members of the Charities Commission, hereinafter provided for, or as many of the number as practicable, in conference, and consider in detail all questions relating to the treatment and care of the insane, epileptics, the feeble-minded, delinquents, and the poor and other wards of the State and all questions of management and improvement of institutions caring for such wards.

§ 5 (A) CHARITIES COMMISSION—APPOINTMENT—TERMS OF OFFICE—OATH.] The Governor, by and with the advice and consent of the Senate, shall appoint, within thirty days after this Act shall take effect, five persons to be called and known as the Charities Commission. Not more than three persons so appointed shall belong to the same political party. The members shall be appointed, one for one year, one for two years, one for three years, one for four years, and one for five years, from the first day of March, 1909, and until their respective successors are appointed and qualify. And on the first day of March, 1910, and at the end of each year thereafter, the Governor shall, in like manner, appoint one person as the successor of the member whose term shall expire in that year, to serve as such member of the Charities Commission for five years, and until his successor is appointed and qualifies. Three members of this commission shall constitute a quorum. Each member of this commission, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State for State officers. Said oath shall be filed in the office of the Secretary of State. No member shall qualify or enter upon the duties of his office, or remain therein, while he is a trustee, manager, commissioner, director of or in any manner officially related to an institution subject to the visitation and inspection of this commission.

(B) VACANCY.] In case of a vacancy in the Charities Commission, the unexpired term shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session the Governor may make appointments to fill vacancies, but all appointments made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent. The failure on the part of any member of this commission to attend three consecutive meetings of the Charities Commission, unless excused by a formal vote of such commission, may be treated by the Governor as a resignation by such non-attending member, and the Governor may appoint his successor.

(C) OFFICERS AND EMPLOYEES—PRESIDENT, EXECUTIVE SECRETARY AND OTHER EMPLOYEES.] The Charities Commission shall annually elect

one of its members as president. The board shall employ an executive secretary at a salary of \$3,600 per annum, and such other officers, agents and employés as it may deem necessary.

(D) NO COMPENSATION—TRAVELING EXPENSES—OFFICE—STATIONERY.] The members of this commission shall serve without compensation for their time or services, but the actual traveling expenses of each one of them while engaged in the performance of the duties of his office, on being made out and certified as provided in this Act, shall be paid to him out of any moneys appropriated for that purpose. In like manner any employé of this commission, acting under the direction of this commission, shall be allowed his actual traveling expenses. The Secretary of State shall provide the Charities Commission with suitably furnished offices in the capitol at Springfield and with the necessary blank books, blanks, stationery and printed matter.

(E) DUTIES.] The Charities Commission shall investigate the whole system of public charitable institutions of the State, examine into the condition and management thereof, especially of State hospitals, jails and almshouses; and the officers in charge of all such institutions shall furnish to the Charities Commission, on its request, such information and statistics as it may require. The Charities Commission, when directed by the Governor, shall investigate as a whole commission, or by a committee thereof, into any or all phases of the equipment, management or policy of any State charitable institution and report its findings and recommendations to the Governor. The Charities Commission may inquire, in its discretion, into the equipment, management and policies of all institutions and organizations coming under the supervision and inspection of the Board of Administration. The Charities Commission, annually, on the fifteenth of October, shall submit to the Governor a printed report of all its doings during the preceding fiscal year, stating in detail all expenses incurred, all officers and agents employed, and such suggestions and recommendations as this commission deems necessary and pertinent.

(F) MEETINGS—RULES.] Regular meetings of the Charities Commission shall be held quarterly, or oftener, if required. The said commission may make such rules for the conduct of its business as it may deem necessary.

§ 6. BOARDS OF TRUSTEES—COMMISSIONERS AND MANAGERS.] The boards of trustees, commissioners and managers of the State charitable institutions named in section 2 of this Act, shall have no further legal existence.

§ 7. (A) VISITORS—APPOINTMENT.] The Governor, by and with the advice and consent of the Senate, shall appoint, within thirty days after this Act shall take effect, a board of three (3) visitors for each State charitable institution, under the management of the Board of Administration. The members of each board of visitors shall be appointed: One for two years, one for four years, and one for six years from the first day of March, 1909, and until their respective successors are appointed and qualify. And on the first day of March, 1911, and every two years



thereafter, the Governor shall in like manner appoint one person as the successor of each member of each Board of Visitors whose term shall expire in that year, to serve as such member for six years and until his successor is appointed and qualifies. Two members of each Board of Visitors shall constitute a quorum. One member of each Board of Visitors shall be a woman. Each member of the Board of Visitors before entering upon the duties of his, or her, office shall take the oath prescribed by the Constitution of this State for State officers. The said oath shall be filed in the office of the Secretary of State.

(B) [VACANCY.] In case of a vacancy in any Board of Visitors, provided for herein, the unexpired term shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session the Governor may make appointments to fill vacancies, but all appointments made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent.

(C) [DUTIES.] Each Board of Visitors provided for herein shall:

1. Maintain an effective inspection of its respective institution, for which purpose the visitors, or a majority thereof, shall visit and inspect the institution at least once each quarter in the cases of institutions having the whole State for a district and at least once each month in the cases of institutions whose districts are fractional parts of the State. For such purpose each visitor shall have free access at any time to the grounds, buildings and all books and papers of the institution. All persons connected with any such institution shall give such information and afford such facilities for any inspection, examination, or investigation as the visitor may require. It shall make a written report to the Charities Commission within ten days after such inspection, such report to be signed by each member making the inspection. Such report shall state in detail the condition of the institution, and of its inmates, and such other matters pertaining to the management and affairs thereof, as, in the opinion of the visitors, shall be brought to the attention of the Charities Commission and may contain recommendations as to needed improvement in the institution or its management.

2. Keep in a book, provided for that purpose, a fair and full record of its doings, which shall be open at all times to the inspection of the Governor, a committee of either house of the Legislature, the Charities Commission, or any person appointed by the Governor, or the said Charities Commission to examine the same.

3. Hold regular meetings at least once each quarter in the cases of institutions having the whole State for a district and at least once each month in the cases of institutions whose districts are fractional parts of the State; and cause to be typewritten, within ten days after each such meeting, the minutes and proceedings of such meeting, and cause a copy thereof to be sent forthwith to each visitor and to the Charities Commission.

4. Enter in a book, kept at the institution for that purpose, the date of every visit of each visitor.

5. Make to the Charities Commission, in July of each year, a detailed report of the result of its visits and inspections, with suitable suggestions, and such other matters as may be required of it by the said Charities Commission for the year ending on the thirtieth day of June preceding the date of such report.

(D) NO COMPENSATION—EXPENSES.] The said visitors shall receive no compensation for their time or services, but the actual expenses of each one of them, while engaged in the duties of his office, and any actual outlay made by them for any actual aid and assistance required in examination and investigation, on being made out and verified as provided herein, shall be paid them by the Board of Administration out of moneys appropriated for the maintenance of the institutions.

§ 8. EXPENSES—HOW CERTIFIED.] Bills for traveling expenses of any member of the Board of Administration, the Charities Commission, or any visitor, superintendent, managing officer, or other officer or employé under either board or commission shall be itemized and made out on blanks, as follows:

Date.	TRANSPORTATION.		Fare.	Sleeping Car and Extra Fares.	Bus, Cab, Carriage and Car Fare.	Hotel and Meals.	INCIDENTALS.		Total.
	From	To					Item.	Am't.	
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
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Such bills for traveling expenses shall be certified to by the person making the charge, as follows:

I certify that the above account is correct and just; that the detailed items charged within are taken and verified from a memorandum kept by me; that the amounts charged for subsistence were actually paid, and the expenses were occasioned by official business or unavoidable delays, requiring my stay at hotels for the time specified; that I performed the journey with all practicable dispatch, by the shortest route usually traveled, in the customary reasonable manner, and that I have not been furnished with transportation, or money in lieu thereof, for any part of the journey herein charged for.

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 § 9. OFFICERS NOT TO BE INTERESTED IN CONTRACTS—PENALTY.] No member of the Board of Administration or of the Charities Commission; and no officer, agent or employé of either board or commission, and no officer or manager or visitor of any State institution shall be directly or indirectly interested in any contract or other agreement for building, repairing, furnishing or supplying said institutions, or for disposing of the product, or products, of any said institution. Any violation of this section shall subject the offender, on conviction, to be pun-

ished by a fine of not more than double the amount of said contract or agreement, or by imprisonment in the penitentiary for a term of not less than one nor more than three years.

§ 10. PSYCHOPATHIC INSTITUTE.] The Board of Administration shall maintain the State Psychopathic Institute and shall appoint a director thereof and a psychologist, who shall perform their duties under the direction of the board. They shall receive annual salaries to be fixed by the board. All State institutions shall coöperate with the psychopathic institute in such manner as the board may from time to time direct. The board may employ such assistants as are necessary for the service of the State Psychopathic Institute.

§ 11. APPOINTMENTS—CIVIL SERVICE.] All employés of the Board of Administration, and all employés of the Charities Commission and of the State charitable institutions, and the director, psychologist and employés of the State Psychopathic Institute, shall be appointed under and subject to the provisions of "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905, amended: *Provided*, that the managing officers of all State charitable institutions are hereby exempted from the operation of the civil service law.

§ 12. EMPLOYEES OF INSTITUTIONS—SALARIES.] The Board of Administration, from time to time, with the approval in writing of the State Civil Service Commission, except as to the salaries of managing officers, shall determine the annual salaries of the officers and employés of the State institutions, which shall be uniform, as far as practicable, for like service.

§ 13. FISCAL SUPERVISOR—GENERAL POWERS AND DUTIES.] Under the supervision and direction of the Board of Administration the fiscal supervisor shall:

1. Examine into the condition of all buildings, grounds and other property connected with any State charitable institution, and into its methods of bookkeeping, storekeeping, and all matters relating to its business and financial management.

2. Study and become familiar with the relative advantages and disadvantages of the said institutions as to location, freight rates, efficiency of farm and equipment, for the purpose of aiding in the determination of the local and general requirements both for maintenance and improvement.

3. In all instances of important transactions refer to the board for counsel and approval.

4. Report regularly every quarter to the board and annually, as part of the board's report to the Governor, the Acts and proceedings of his office.

5. Receive, examine and present with his written opinion to the board, every plan and specification for new construction or repair exceeding in estimated value one thousand dollars. He shall examine into every plan and specification of new construction or improvement, if

such improvement exceeds two hundred dollars in cost: *Provided*, that all contracts for new construction, improvement or repair must be approved by the State Architect or his Consulting Engineer and by the board, if they exceed in value one thousand dollars, and by the Fiscal Supervisor, if they exceed in value two hundred dollars: *Provided, further*, that such approval is also required when such work is undertaken by the management of any institution without contract: *Provided, further*, that in case of an emergency, such as the breaking down of equipment, so as to bring to a standstill any necessary part of the operative machinery of a State institution, whose administration is provided for in this Act, the fiscal supervisor, with the approval in writing of the board and of the Governor, may go into the open market and secure such repairs as are necessary to restore the institution to operative efficiency at the earliest possible time. A surety bond in such penal sum as determined by the fiscal supervisor shall be furnished by the contractors whenever the value of any work exceeds five hundred dollars.

6. Arrange for interchange of farm products and other products between and among the various institutions.

7. Enforce the provisions of this Act for the collection of money to reimburse the State for the cost of the maintenance of patients and inmates.

§ 14. APPROPRIATIONS.] Each managing officer of an institution, when required by the fiscal supervisor, shall present to said fiscal supervisor an itemized list of appropriations desired for maintenance and special, as he considers necessary for the period of time to be covered by such appropriations. The fiscal supervisor shall tabulate such statements and present them to the Board of Administration with his recommendations. It shall then become the duty of the board, with the approval of the Governor, to present the needs of the institutions to the Legislature. For this purpose an average per capita allowance for the insane and other dependents, defectives and delinquents shall be arrived at and a total allowance asked for on the basis of actual population and estimated increase, this fund to be used as further provided in this Act. Every special need shall be itemized and the appropriation shall be asked for that specific purpose. It shall be the duty of the fiscal supervisor and of all other members of the board to present to the Governor and to the Legislature such information regarding appropriations asked for as may be required. It is the intent and meaning of this section that all appropriations for the State institutions shall be made to the Board of Administration and that the ordinary, or maintenance, appropriation shall be made to the board in a lump sum to be used for the several institutions according to their varying needs.

§ 15. BOARD OF JOINT ESTIMATE—PURCHASE OF SUPPLIES.] The fiscal supervisor shall call, at least annually, the managing officers of the various State institutions to a joint meeting with a committee appointed by the board, of which he shall be the head, for the purpose of classifying the supplies and estimating requirements of the various institutions, so as to provide for their most practical and economical purchase: *Provid-*

ed, that any managing officer may at such meetings be represented by an officer of the institution, whom he appoints for that purpose. This joint board shall be known as the Board of Joint Estimate. It shall be its duty, under the direction of the board, to provide for the purchase of supplies in large quantities on contracts for periods not exceeding fifteen months from the date of the contract. To this end the Board or Joint Estimate shall annually elect from among its members two persons to serve, with the fiscal supervisor, as a standing purchasing committee to execute the purchases. The fiscal supervisor shall have full knowledge of all details of every business transaction of said committee. The purchase of all supplies shall be decided by competitive bidding, and competitive proposals shall be advertised for in one or more newspapers of general circulation, published in each one of the seven largest cities in the State, according to the last general census published by the United States. Such further advertisement shall be given as the Board of Administration may prescribe. Said proposals shall be opened in public on the day and hour and at the place specified in the advertisement. The purchasing committee shall have the power, however, to reject any or all bids, readvertise for competitive proposals, as hereinbefore provided: *Provided, however,* that the purchasing committee shall have the power to purchase supplies for emergencies. In such cases the said purchasing committee shall have certified in writing to the Board of Administration that an emergency exists, and said board shall have authorized the purchase.

It shall be the duty of the State Food Commissioner to coöperate with the purchasing committee, or managing officer, in making such tests as are necessary to determine the quality, strength or purity of food supplies.

Supplies and material produced in the State shall be preferred in the purchase, provided that such preference shall not be made at the expense of the State.

§ 16. MONTHLY ESTIMATES OF EXPENSES—CONTINGENT FUND.] For the purpose of proper regulation, recording and auditing of the various expenditures of the institutions, the managing officer of each institution shall prepare and present to the fiscal supervisor in triplicate, not less than fifteen days before the first day of the month referred to, and on forms furnished by the Board of Administration, a detailed monthly estimate of all needed supplies, materials, salaries and improvements. It shall be the duty of the fiscal supervisor to review and, for reasons given in writing, alter, if deemed by him necessary, such estimates: *Provided*, that the managing officer issuing the estimate shall have the right of appeal to the board, should he consider, in his best judgment, such alteration harmful to the best interests of the institution under his charge. Estimates for periods longer than one month may be made in the same manner by managing officers for staples designated by the Board of Joint Estimate or for other supplies. Each estimate may include a contingent fund of not to exceed 2 per cent of the total amount of the estimate for maintenance for the period of

the estimate, for which contingent fund no detailed account need be given in the estimate, but which can not be drawn upon except in due form specified by this Act, and by the rules of the board.

The fiscal supervisor shall return to the managing officer one copy of the monthly and other estimates with his approval or alteration in writing, one copy so approved or altered he shall present to the State Auditor, and one copy so approved or altered he shall file in his own office. It shall be the duty of the State Auditor to ascertain that the estimates so received do not exceed the respective appropriations. The State Auditor shall draw warrants on the State Treasurer monthly for the salary funds and contingent funds for each institution, and such funds shall be placed in the hands of the managing officer of each institution. Itemized vouchers for all funds, including pay rolls, shall be drawn in triplicate, one copy being held by the managing officer issuing such voucher, one copy presented to the fiscal supervisor and one copy to the State Auditor, who shall issue a warrant on the State Treasurer for each voucher. Each voucher shall contain a sworn affidavit of the managing officer, or some other bonded officer designated by the managing officer, certifying that the supplies and materials purchased or improvements and repairs made or special services rendered were fully satisfactory, or conforming to sample, as the case may be; that the approving officer was in no way financially interested in the purchase or work performed, and that he has full knowledge of the value of the purchase or work, such affidavit being made according to forms provided by the board: *Provided*, that pay rolls for temporary employes employed in case of emergency may be made at any time after the services are performed. All such pay rolls shall be sworn to by the managing officer the same as in cases of other vouchers, and the affidavit shall show that each and every person named in the pay roll actually rendered the services for the time and at the rate charged in the pay rolls.

§ 17. STATE TREASURER TO BE TREASURER—EXCEPTION.] It is the intent of this Act that the State Treasurer shall act as treasurer for all funds in the jurisdiction of the Board of Administration, and shall pay no moneys except in accordance with the provisions of this Act: *Provided*, that the moneys designated and approved of by the fiscal supervisor and the State Auditor as salary fund and contingent fund in the monthly estimate shall be placed, not later than on the first day of the month so provided for, in the hands of the managing officer of each institution, who shall act as treasurer for such funds. Institution moneys in the hands of the several institution treasurers, when this Act goes into effect, shall be transferred forthwith to the State Treasurer. Moneys collected from various sources by superintendents and in the hands of the superintendents or the institution treasurers when this Act goes into effect shall be transmitted forthwith by such superintendents or treasurers to the State Treasurer. Moneys collected from various sources such as the sale of manufactured articles, of farm products and of all miscellaneous articles, shall be transmitted monthly to the State Treasurer and a detailed statement of such collections shall be made monthly to the Fiscal Supervisor by the managing officer of the institution.

§ 18. BONDED EMPLOYEES.] The Board of Administration shall prescribe and require surety bonds from the fiscal supervisor, and from each managing officer, steward, storekeeper or any other State officer or employé under the jurisdiction of the Board of Administration, where deemed advisable, in such penal sums to be determined by the board. The cost of such bonds shall be paid by the State out of funds appropriated to the board. Whenever a vacancy occurs in any position held by any bonded officer or employé, there shall forthwith be made an inventory of stock, supplies and records under the charge of such officer or employé.

§ 19. ADMISSION OF PATIENTS AND INMATES.] The admission of patients and inmates to State hospitals for the insane and the Lincoln State School and Colony shall be under the control and direction of the Board of Administration. The board is authorized to divide the State into districts, for the purpose of regulating the admission of patients to hospitals for the insane. The said board shall have power to change the boundaries of such districts, from time to time, as may be necessary or expedient. Whenever such division or regulation shall have been made, as aforesaid, the said board shall forthwith make and sign a report to that effect, designating the boundaries of and the counties included within each district and the number of patients apportioned to each hospital, and file the same with the Secretary of State, and send a copy thereof to the superintendent of each hospital, and to each county judge, and to the clerk of each county in the State, to be filed in his office, and thereafter the State shall be divided into such districts. Whenever any change in such classification or regulation shall be made thereafter, a like report shall be made and filed, and a copy thereof sent to the county judges and to the clerks of all counties affected by such change, as well as to the superintendents of the respective State hospitals. Each State hospital for the insane shall receive patients, whether in an acute or chronic condition of insanity, from the district in which the hospital is situated.

§ 20. REMOVAL OF INSANE AND FEEBLE MINDED FROM COUNTY ALMSHOUSES TO STATE INSTITUTIONS.] The Board of Administration is hereby required and empowered to cause the removal of insane persons from county almshouses to State hospitals for the insane and of feeble minded women and children from county almshouses to the Lincoln State School and Colony as rapidly as room is provided for such patients and inmates in such State institutions. As such room is provided from time to time, the board shall forthwith direct the superintendents of county asylums, or almshouses, to send such number of insane patients to State hospitals and such number of feeble minded women and children to the Lincoln State School and Colony as can be accommodated therein. All county authorities sending patients or inmates to any State hospital or the Lincoln State School and Colony shall comply with all directions prescribed by the Board of Administration.

After sufficient accommodations shall have been provided in State institutions for all the pauper and indigent insane of all the counties of

the State, the cost of clothing and other incidental expenses of county insane patients in State hospitals shall not be a charge upon any county after the first of January next ensuing, but the cost of the same shall be paid out of the funds provided by the State for the support of the insane. It shall be the duty of the Board of Administration to determine whether the accommodations are sufficient within the purview of this section, and to hold a meeting for that purpose, and, if satisfied of the sufficiency of such accommodations, to make a certificate to that effect and file the same with the Secretary of State and send a copy thereof to the superintendents of each State hospital and county asylum, and to each county almshouse and to each county judge, and to the clerk of each county in the State, to be filed in his office. Until such certificate is made and filed, the said cost of clothing and other incidental expenses of county insane patients shall continue to be a charge upon the county as under existing laws.

The foregoing provisions of this section relating to the insane shall not apply to or include counties of more than one hundred and fifty thousand inhabitants, until all the counties of this State having a population of less than 150,000 inhabitants (as determined by the then last preceding federal census) shall have been provided for. Whenever the counties of over one hundred and fifty thousand inhabitants, or any one of them, desire to be included in the provisions of this section relating to the insane, such counties, or any one of them, may be included therein in the following manner. The county board of such county so desiring to be included therein shall pass a resolution and spread such resolution upon the records of such county board, making application to the Governor to transfer any or all of such buildings, land, appurtenances and equipment as are used by it as a county insane asylum to the State to be used for the same purpose. A certified copy of such resolution shall be sent to the Governor and the said resolution shall be considered the required application. The Governor shall thereupon transmit said application to the Board of Administration, whereupon said board shall examine into the condition of such buildings, land, appurtenances and equipment, with a view to ascertain whether such property is suitable for the purposes of a State hospital for the insane; and shall report its findings and conclusions to the Governor. Whereupon, if the board approves the transfer to the State, and if the Governor shall approve the same, said county insane asylum shall be converted into a State hospital for the insane, and its inmates shall become wards of the State.

§ 21. RETURN OR COMMITMENT TO COUNTY INSTITUTIONS FORBIDDEN—COUNTY CARE OF INSANE FORBIDDEN.] No insane person now, or hereafter, under the care of any State hospital in this State, shall be returned or committed to the care of any county insane asylum or almshouse, or to any county, town or city authorities; and the said county, town or city authorities are hereby forbidden to receive any such patient who may be returned or committed to them in violation of this section. After the State has assumed complete care of the public insane, no in-



sane person shall be permitted to remain under county care, but all public insane shall be committed to the State hospitals for the insane, or to private hospitals for the insane, as provided herein.

§ 22. TRANSFER OF INSANE PATIENTS.] The Board of Administration shall have the power to transfer, by its order, patients from one State hospital for the insane to another, when in its judgment such transfers are advisable.

§ 23. SUPPORT OF INMATES.] The Board of Administration shall secure from relatives or friends, who are liable or may be willing to assume the cost of support of inmates of State hospitals, reimbursement, in whole or in part, of the money expended for such support; said board may appoint agents, whose duty it shall be to secure from relatives and friends who are liable therefor, or who may be willing to assume the costs of the support of any such inmates, reimbursement, in whole or in part, of the money so expended. The compensation of each agent shall not exceed five dollars a day and the necessary traveling and other incidental expenses actually incurred by him.

The said board may fix a rate to be paid for the support of the inmates of State hospitals by the relatives liable for such support, or by those not liable for such support but willing to assume the costs thereof, but such rate shall be sufficient to cover the proper proportion of the cost of maintenance and necessary repairs and improvements.

§ 24. POSTAL RIGHTS.] Any insane patient in any State hospital shall be allowed to correspond, without restriction, with any member of the Board of Administration, of the Charities Commission and of the Board of Visitors of the State hospital where such insane patient is given treatment and care; and with the county judge and the State's attorney of the county from which such insane patient was committed.

§ 25. SALE OF UNCLAIMED PERSONAL PROPERTY OF DISCHARGED OR DECEASED PATIENTS.] All articles of personal property belonging to a discharged or deceased patient of a State hospital for the insane and in the custody of the superintendent or other proper officer of such hospital, may, if unclaimed by such discharged patient, or the legal representative of such deceased patient, for a period of six months after the discharge or decease of such patient, be sold at public auction in such manner and after such notice, or advertisement, as the Board of Administration shall prescribe, and the proceeds of such sale shall be paid into the amusement fund of such hospital. If any money deposited with a managing officer by relatives, conservators or friends of any inmate for the special comfort or pleasure of any such inmate remains unexpended after the discharge or death of such inmate, the said unexpended balance shall be paid into the amusement fund of the State institution which provided care and treatment for the said inmate: *Provided*, that the money is not claimed by a discharged inmate within six months after discharge, or by the legal representative of such deceased inmate within six months after the death of such inmate.

§ 26. BOARDING OUT INSANE PATIENTS.] Any insane patient in any State hospital for the insane may be placed at board in a suitable

family home by the board, if said board considers such course expedient. The cost to the State of the maintenance of any such boarded out patient shall not exceed the average per capita cost of maintenance in the institution from which such patient is so boarded out. Bills for the support of a patient so boarded out shall be payable quarterly out of the proper maintenance funds and shall be audited as are other accounts of the board. The board shall cause all persons who are boarded out by it in family homes at public expense to be visited at least once each three months, and for this purpose the said board is authorized and empowered to appoint, subject to the provisions of the State civil service law, such visitors as are necessary. Upon the complaint of any boarded out patient or of any responsible citizen or member of the household where such patient is boarded out, the board immediately shall send a visitor to investigate, and, if needful, such patient shall be removed at once to a State hospital for the insane or to another boarding place. Where there is no complaint the board shall cause to be removed, as above, any patient who, upon visitation, is found to be abused, neglected or improperly cared for when boarded out in a family home. The board may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by any such guardian, relative or friend or upon his own application, within such period, without any further order of commitment and may, during such temporary absence, assist in his maintenance to an amount not exceeding the rate paid for his board when boarded out in a family home by the board.

§ 27. AFTER CARE OF THE INSANE.] To secure for patients in State hospitals for the insane, the earliest possible discharge from such hospitals and a continuance of expert medical service after discharge, free of cost, each such hospital shall institute a plan for the after-care of paroled patients and of discharged convalescent patients as follows:

A staff physician, or some other suitable person, shall when the superintendent deems necessary, visit the home of any paroled patient or any convalescent patient before discharge and advise with the family as to the care and occupation most favorable for the patient's continued improvement and return to health; and such visits shall be made from time to time to the patient after parole or discharge, as are considered advisable by the superintendent.

§ 28. INSTITUTIONS FOR MENTAL AND NERVOUS CASES—BOARD TO LICENSE—COMMITMENTS TO UNLICENSED INSTITUTES FORBIDDEN.] All institutions, other than State institutions, giving treatment and care to persons suffering from mental and nervous diseases, shall provide the Board of Administration with detailed information from time to time, regarding their physical equipment and medical and nursing service, and shall furnish the board a written certified statement every three months, giving the admissions, deaths and discharges during the previous three months. The board shall license such institutions as it deems, after careful inspection, to be suitably equipped and conducted for the

treatment and care of persons suffering from mental or nervous diseases, and no person so suffering shall be committed to or received or kept against his or her, will, contrary to law, in any such institution not having a valid license from the board. Any superintendent or responsible head of an institution receiving or keeping, contrary to his, or her, will, any person in any such institution, not licensed as aforesaid, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

§ 29. OCCUPATION FOR INMATES.] It shall be the duty of each managing officer to develop such occupations as shall serve the mental, moral and physical improvement or the happiness of the inmates, and it shall be the duty of the board so to coördinate these activities as will best serve an educational, economical and efficient administration of all the institutions, but without prejudice to the primary needs of suitable education for the inmates.

§ 30. VISITATION OF CHILDREN—CERTIFICATION OF ASSOCIATIONS.] The Board of Administration shall possess and have all the powers and shall perform all the duties in regard to the visitation of children placed in family homes and the incorporation, supervision and certification of associations whose objects may embrace the care of dependent, neglected or delinquent children, which are now vested by law in the Board of State Commissioners of Public Charities; and the said Board of State Commissioners of Public Charities is hereby relieved from any duty heretofore imposed upon it by any law of this State in relation thereto, and the said Board of Administration is fully authorized and empowered from and after the date this Act goes into effect to perform the same.

§ 31. STATE CONFERENCES.] The Charities Commission, at such times and places as it deems advisable, may hold conferences of officers of State, county and municipal charitable [institutions,] officials responsible for the administration of public funds used for the relief or maintenance of the poor, and boards of institution visitors, and of county visitors, to consider in detail questions of management, the methods to be pursued and adopted to secure the economical and efficient conduct of such institutions, the most effective plans for granting public relief to the poor, and similar subjects. All officials duly invited to such conferences shall be entitled to actual necessary expenses, payable from any funds available for their respective boards and institutions: *Provided*, they procure a certificate from the executive secretary of the said Charities Commission that they were invited to and were in actual attendance at the sessions of the conference.

§ 32. PLANS FOR JAILS AND ALMSHOUSES SUBMITTED TO BOARD.] No county, city or village shall erect, add to or remodel a jail, almshouse, infirmary, house of correction or workhouse without first submitting plans and specifications therefor to the Board of Administration for its criticism and suggestions for the improvement of same.

§ 33. INVESTIGATIONS.] The Board of Administration and the Charities Commission may make such investigations as may be necessary to the performance of their respective duties imposed by law. In the course of any such investigation each member of either board or commission shall have the power to administer oaths, and either board or commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

§ 34. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.] Any person who shall be served with a subpoena by the Board of Administration or the Charities Commission to appear and testify, or to produce books and papers, issued by either board or commission in the course of an investigation authorized by law, and who shall refuse or neglect to appear, or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State. Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of any member of either board or commission may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before either board or commission, or before any member of either board or commission, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a member of either board or commission, shall wilfully swear or affirm falsely, shall be guilty of perjury and upon conviction shall be punished accordingly.

§ 35. EXPENSES—BOARD OF ADMINISTRATION.] There is hereby appropriated to the Board of Administration for the two years ending June 30, 1911, the following amounts per annum, or so much thereof as may be necessary: For chief clerk, \$2,500 per annum; for statistician, \$2,100 per annum; for general bookkeeper, \$1,800 per annum; for salaries [of] bookkeepers, clerks, stenographers and all other necessary employés, \$10,000 per annum; for traveling, office and all other expenses of the board and its employés, \$14,000 per annum.

§ 36. TIME WHEN ACT GOES INTO FULL EFFECT.] To give the Board of Administration, provided for herein, adequate time to prepare the administrative details for its actual service, no part of this Act shall be in force and effect before the first day of January, 1910, except paragraphs A, B, C, D, and E, of section 4, and section 35 which shall go into effect on July 1, 1909. This Act shall be in full force and effect in all of its particulars from and after the first day of January, 1910, when the Board of Administration shall assume all of its duties.

The salaries of the members of the said Board of Administration shall be allowed them beginning with the date of their taking the oath prescribed in section 4 of this Act, and they, further, shall be allowed, from any funds in the State treasury not otherwise appropriated, such expenses as are incurred in preparation of the details of the service which becomes operative fully on the first day of January, 1910.

§ 37. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys appropriated in this Act to the Board of Administration upon the order of said board and attested by the secretary, with the seal of said board attached, and approved by the Governor.

§ 38. REPEAL.] The following Acts and parts of Acts are hereby repealed:

An Act entitled, "An Act to provide for the appointment of a Board of Commissioners of Public Charities and defining their duties and powers," approved and in force April 9, 1869.

An Act entitled, "An Act to promote the care and curative treatment of the insane," approved June 4, 1907, in force July 1, 1907.

APPROVED June 15, 1909.

#### SOLDIERS AND SAILORS-BURIAL.

§ 1. Amends section 2, Act of 1907.

§ 2. As amended, allows \$50 for burial expenses.

(HOUSE BILL NO. 19. APPROVED JUNE 8, 1909.)

AN ACT to amend section two of an Act entitled, "An Act to provide for the burial of deceased indigent or friendless soldiers, sailors or marines of the late civil war, the Spanish-American war, the Phillippine insurrection and the Boxer uprising in China, or their mothers, wives or widows," so as to increase the sum that may be expended in any one case to fifty dollars.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two of an Act entitled, "An Act to provide for the burial of deceased indigent or friendless soldiers, sailors or marines of the late Civil War, the Spanish-American war, the Phillippine insurrection, and the Boxer uprising in China, or their mothers, wives or widows," shall be amended so as to read as follows:

§ 2. The expense of such burial shall not exceed the sum of fifty dollars, such burial shall not be made in any cemetery or burial ground used exclusively for the burial of the pauper dead, or in that portion of any burial ground so used: *And, provided,* that in case relatives of the deceased, who are unable to bear the expense of burial, desire to conduct the funeral, they may be allowed to do so, and the expense thereof shall be paid as hereinafter provided.

APPROVED June 8, 1909.

## SOLDIERS AND SAILORS—RELIEF.

§ 1. Adds sections 10 and 11 to Act of 1907.

§ 10. Central relief committee in counties over 250,000—powers and duties.

§ 11. Executive powers—office in county building—appropriations—employes—civil service.

(HOUSE BILL No. 12. APPROVED JUNE 14, 1909.)

AN ACT to amend "*An Act to regulate the granting of relief to indigent war veterans and their families, and to repeal a certain Act therein named,*" approved May 25, 1907, in force July 1, 1907, by adding thereto two new sections to be known as section No. 10 and section No. 11, respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That "*An Act to regulate the granting of relief to indigent war veterans and their families, and to repeal a certain Act therein named,*" approved May 25, 1907, in force July 1, 1907, by adding thereto two new sections to be known as section No. 10 and section No. 11, [respectively.]

§ 10. In all counties having a population of 250,000 or more, where there are two or more posts of the Grand Army of the Republic, a central relief committee shall be organized to be known as the Commanders' Association of the Posts of the Grand Army of the Republic in such county. This organization shall be composed of the active commanders of the different posts as they may be elected from year to year. When so organized this association shall be clothed with all the powers and charged with all the duties which now devolve upon the different posts as provided in section two of the present law.

They shall have general oversight of the distribution of all supplies appropriated by the county for the benefit of the indigent veterans of the civil and other wars and their families; they shall formulate such rules and regulations among themselves and with the county authorities as will enable them to carry out the spirit and intent of this law.

§ 11. The executive powers of this association shall be vested in the superintendent and secretary, both elected by the association from among civil war veterans. They shall, under direction of the association, maintain an office in the county building or other central location, said office to be used solely by the association for the carrying on of this relief work. This office to be provided, furnished and equipped by the county with all necessary supplies, including telephone, printing, stationery, postage, etc. This office shall be conducted in the interest of, and for the relief of, indigent and suffering soldiers, sailors and marines who served in the war of the rebellion or other wars, and their families, and the families of such deceased veterans who need assistance. It shall be in charge of the superintendent who shall hear, investigate and report to the county authorities upon all claims for relief under this law and his decision shall be final in all such cases.

In addition to the amount appropriated each year for relief under this law by the counties where this association is organized, there shall be

appropriated such additional sum not to exceed \$5,000.00 as will compensate the labor of the superintendent, not to exceed \$1,200.00 annually, and the secretary, not to exceed \$900.00 annually, payable in monthly installments and such further investigating visitors or employes as shall be required to properly do this work, and also to care for office relief requiring prompt action, not to exceed \$250.00 annually. These positions to be filled as far as possible from time to time, by veterans of the civil war to be selected by the superintendent. The superintendent may be required by the association to give bond in the sum of \$2,000.00 for the faithful performance of the duties required of him under this law.

All persons elected or selected to fill positions provided for in this section shall be exempt from the operation and provisions of any civil service Acts or laws of this State.

APPROVED June 14, 1909.

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SOLDIERS' ORPHANS' HOME—SALE OF LOTS.

§ 1. Authorizes sale and conveyance of certain lots.

(HOUSE BILL NO. 95. APPROVED JUNE 8, 1909.)

AN ACT *authorizing the board of trustees of the Soldiers' Orphans' Home, located at Normal, Illinois, to sell lots two (2) and three (3) in block thirty-seven (37) in Cassiday's addition to the city of Joliet, Will county, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the board of trustees of the Soldiers' Orphans' Home, located at Normal, Illinois, is hereby authorized and empowered to convey by quit claim deed at private sale all the right, title and interest of said home and the People of the State of Illinois in and to lots two (2) and three (3) in block thirty-seven (37) of Cassaday's addition to Joliet, in Will county, Illinois, for the sum of not less than three hundred dollars (\$300).

APPROVED June 8, 1909.

## CITIES, VILLAGES AND TOWNS.

## FIRE DEPARTMENT—TREASURER OF TAX FUND.

§ 1. Amends sections 1 and 2, Act of 1895.

§ 1. As amended, provides for election of treasurer of fire department, etc.

§ 2. Penalties—to what municipalities Act applies.

(SENATE BILL NO. 273. APPROVED JUNE 10, 1909.)

AN ACT to amend sections one and two of an Act entitled, "An Act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments," in force July 1, 1895, of which section 1 was amended by Act approved May 12, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one and two of an Act entitled, "An Act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire departments," in force July 1, 1895, of which section 1 is amended by Act approved May 12, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

§ 1. All corporations, companies and associations not incorporated under the laws of this State, and which are engaged in any city, town or village organized under any general or special law of this State, in affecting fire insurance, shall pay to the treasurer of the city, town or village for the maintenance, use and benefit of the fire department thereof, a sum not exceeding two per cent of the gross receipts received by their agency in such city, town or village; and any city, town or village of less than fifty thousand inhabitants, having an organized fire department, shall cause to be passed an ordinance providing for the election of officers of such organized fire department, by the department, which shall include a treasurer, and make all such rules and regulations in respect thereof and the management of said fund as may be needful; that in all such cities, towns or villages the treasurer shall pay such sum received from insurance companies to the treasurer of the fire department of the city, town or village in which it is collected. The treasurer of such fire department shall give a sufficient bond to the city, town or village in which such fire department is organized, to be approved by the president of the village, or mayor, as the case may be, conditioned for the faithful performance of his duties under the ordinances passed as aforesaid by said city, town or village; and the treasurer of the fire department shall receive the money so collected and shall pay out the same upon the order of the said fire department for the purposes of the maintenance, use and benefit of such department: *Provided*, that in any city, town



or village where a fireman's pension fund is or may be established under other laws of this State fifty per cent of the amount so collected shall be set apart and appropriated by the city, town or village to the fund for the pensioning of disabled and super-annuated members of the fire department, and of the widows and orphans of deceased members of the fire department of cities, towns and villages having an organized fire department. Cities, towns and villages are hereby empowered to prescribe by ordinance the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay upon the amount of all premiums which, during the year ending on every first day of July, shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or with such corporation, companies or association respectively. Every person who shall act in any city, town or village as agent or otherwise, for or on behalf of such corporation, company or association, shall, on or before the fifteenth day of July, of each and every year, render to the city, town or village clerk a full, true and just account, verified by his oath, of all the premiums which, during the year ending on every first day of July preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agents shall also pay to the treasurer of any such city, town or village, at the time of rendering the aforesaid report, the amount of rates fixed by the ordinance of the said cities, towns or villages, for which the companies, corporations or associations represented by them are severally chargeable by virtue of this Act, and the ordinance passed in pursuance thereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business or insurance in any such city, town or village until the said requisition shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

§ 2. Any person or persons violating any of the provisions of this Act shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars or imprisonment in the county jail not exceeding six months, either or both in the discretion of the court. The amount of said tax or license fee may be also recovered of said corporation, company or association or its agents, by an action in the name and for the use of any such city, town or village as for money had and received: *Provided*, that this Act shall only apply to such cities, towns and villages as have established and maintained, by and under municipal ordinances, a fire department for the prevention of fires.

APPROVED June 10, 1909.

## FIREMEN'S PENSION FUND.

§ 1. Amends sections 1 and 4, Act of 1887.

§ 1. As amended, provides for transfer of one-half of funds set apart under Act of 1877.

§ 4. Rewards — gifts — devises, etc.—permanent fund.

(HOUSE BILL NO. 667. APPROVED JUNE 12, 1909.)

AN ACT to amend section 1 and section 4 of an Act entitled, "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds five thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and as amended by an Act entitled, "An Act to amend sections three (3), seven (7), eight (8) and ten (10) of an Act entitled, 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith in cities, villages or incorporated towns whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887," approved March 28, 1889, in force July 1, 1889, as amended by an Act entitled, "An Act to amend sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title of 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889, as amended by an Act approved June 1, 1907, in force July 1, 1907."

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 1 and section 4 of an Act entitled "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13,

1887, in force July 1, 1887," as amended by an Act entitled, "An Act to amend sections three (3), seven (7), eight (8) and ten (10) of an Act entitled, 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887," approved March 28, 1889, in force July 1, 1889, as amended by an Act entitled, "An Act to amend sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title of 'An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department,' approved May 13, 1887, in force July 1, 1887, as amended by an Act approved March 28, 1889, in force July 1, 1889, as amended by an Act approved June 1, 1907, in force July 1, 1907," be and the same is hereby amended to read as follows:

§ 1. That in all cities, villages or incorporated towns whose population exceeds five thousand, having a paid fire department, one (1) per centum of all revenues collected or received by such cities, villages or incorporated towns from licenses issued by such cities, villages or incorporated towns; also all fines imposed for violations of fire ordinances, the enforcement or correction of which may be charged to and be under the supervision of the chief officer or subordinate officers of such fire department, of any such cities, villages or incorporated towns, shall be set apart by the treasurer of such cities, villages or incorporated towns, to whom the same shall be paid as a fund for the pensioning of disabled and superannuated members of the fire departments and of the widows and orphans and dependent parents of deceased members of the fire departments of such cities, villages or incorporated towns. The treasurers of such cities, villages or incorporated towns shall be *ex officio* treasurers of such fund. In each city and village in this State whose population exceeds 5,000, wherein a fund has been set apart for the relief of disabled members of the police and fire departments of such city or village, by virtue of an Act entitled, "An Act for the relief of disabled members of police and fire departments in cities and villages," approved May 24, 1877, in force July 1, 1877, as amended by Act approved May 10, 1901, in force July 1, 1901, one-half

of all funds and property forming a part of such fund shall be transferred by the authorities having charge thereof to, and form part of the pension fund provided for in such cities and villages, under the provision of this Act.

§ 4. All rewards in moneys, fees, gifts and emoluments that may be paid or given for or on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by petitive [competitive] award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars (\$100,000) in the whole; and such money, real estate, personal property, right of property or other valuable thing so obtained; also all fines and penalties imposed upon members of such fire department, shall in like manner be paid into said pension fund and treated as a part thereof, for the uses of such pension fund: *Provided*, that when the sum of \$200,000 shall be received and accumulated, in cities having a population of over 100,000; and when \$50,000 shall be received and accumulated in cities having a population of less than 100,000 and more than 75,000; and when \$25,000 shall be received and accumulated in cities having a population of less than 75,000 and more than 25,000; and when \$15,000 shall be received and accumulated in cities having a population of less than 25,000 and more than 5,000, such sums shall in each case be retained as a permanent fund, and thereupon and thereafter the annual income of each such fund, and any excess thereof, in each such case, shall be available for the uses and purposes of such pension fund.

APPROVED June 12, 1909.

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ORDINANCES AUTHORIZING ISSUE OF BONDS—REFERENDUM.

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|---|----------------------------|
| § 1. Requires submission of certain ordinances to voters. | § 2. Separate ballot—form. |
|---|----------------------------|

(SENATE BILL NO. 476. APPROVED JUNE 4, 1909.)

AN ACT *requiring cities, villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, except to refund any existing bonded indebtedness, to the voters of any such city, village or incorporated town.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That hereafter no ordinance passed by the city council of any city, or board of trustees of any village or incorporated town, as the case may be, which provides for or authorizes the issue of bonds (except bonds to refund any existing bonded indebtedness), shall become operative, effective or valid until any such ordinance shall have been submitted to the voters of any such city or village or incorporated town, as the case may be, at the next succeeding*

general or special election or any special election called for that purpose, and approved by a majority of such voters voting upon the question.

§ 2. Such ordinance shall be printed on a ballot, which shall be separate and distinct from the ballot for candidates for office, stating the amount of the bond issue provided for in such ordinance and the specific purpose or purposes for which such bonds or obligations are to be issued.

The ballot to be used at any such election in voting under this Act shall be substantially in the following form:

Shall bonds or obligations for the purpose of (state specific purpose) in the sums of \$. . . . .00	Yes	
be issued by the city council (or board of trustees, as the case may be).	No	

APPROVED June 4, 1909.

#### ORGANIZATION—PROCEEDINGS LEGALIZED.

§ 1. Legalizes certain elections—in- | § 2. Emergency.  
formalities cured—remedy.

(HOUSE BILL NO. 732. APPROVED JUNE 10, 1909.)

AN ACT to legalize the organization of certain cities, towns and villages, under an Act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever the inhabitants of any contiguous territory of this State, possessing all the legal qualifications therefor, have in good faith attempted to organize such territory as a village under and in pursuance of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, but have failed to file certified copy of the result of the election for such organization, the canvass of the votes, and the result of the election for first officials, for record in manner as prescribed by law, and such village has in good faith for a period of at least five years thereafter continuously and uninterruptedly exercised the powers of a municipal corporation, purporting to act under and in pursuance of the Act of the Legislature aforesaid, and where said village has in all other respects, than as heretofore herein specified, complied with the requirements of the statutes of the State of Illinois, or other laws in force in said State, relative to the organization of

cities and villages, such village shall and the same is hereby declared to have been legally and validly organized, under and in pursuance of said Act; and any such village shall be and it is hereby authorized to organize as a city under and in pursuance of said Act, when otherwise possessing the qualifications therefor prescribed by the said Act aforesaid, and when so organized, such city shall be declared to be organized as a legal and valid city, under and in pursuance of the said Act of the Legislature: *Provided*, that the certificate of organization as a city, prescribed by said Act, be now, or within six months after this Act becomes effective, filed with the recorder of deeds of said county where said city is situated, and also with Secretary of State, in manner as prescribed by said Act: *And, provided, further*, there be filed with the Secretary of State the affidavit of the mayor or city clerk or the president or clerk of the board of trustees, as the case may be, of such city or village, showing that such city or village has, for a period of at least five years next preceding, continuously and uninterruptedly exercised the powers of a municipal corporation, purporting to act under and in pursuance of the aforesaid Act of the Legislature, and all elections of officers and organizations of any cities and villages in this State, under and by virtue of any election held under and in pursuance of the aforesaid Act of the Legislature, if otherwise according to law, are hereby legalized and made effective, and all acts of said cities and villages are hereby legalized and made effective, and all acts of any such cities and villages, if otherwise legal, also hereby made legal and binding, and upon the filing and recording as aforesaid, and the filing of the affidavit as aforesaid, the Secretary of State shall charter said city or village by his certificate, duly authenticated under his hand and the great seal of the State.

§ 2. WHEREAS, The records of several of the cities and villages in this State are deficient in the particulars set forth in section 1 of this Act, and such cities and villages are without charter and warrant of law to do business; therefore, an emergency exists, and this Act shall be in force from and after its passage.

APPROVED June 10, 1909.

#### PLUMBERS.

§ 1. Amends section 4, Act of 1897.

§ 4. As amended, increases fee for certificate and annual renewal.

(SENATE BILL No. 528. APPROVED JUNE 14, 1909.)

AN ACT to amend section four (4) of article XII of chapter twenty-four (24) of an Act entitled "An Act to provide for the licensing of plumbers and to supervise and inspect plumbing," approved June 10, 1897, in force July 1, 1897.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section four of article XII of chapter twenty-four (24) of an Act entitled, "An Act to provide for the

licensing of plumbers and to supervise and inspect plumbing," approved June 10, 1897, in force July 1, 1897, be and the same is hereby amended so as to read as follows:

§ 4. MEETING OF BOARD OF EXAMINERS—SCOPE OF EXAMINATION—CERTIFICATE OF QUALIFICATION—FEE FOR.] Said board of examiners shall, as soon as may be, after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants shall thereupon issue a certificate to such applicant authorizing him to engage in or work at the business of plumbing whether as master plumber or employing plumber or as a journeyman plumber.

The fee for a certificate for a master plumber or employing plumber shall be \$50.00; for journeyman plumber it shall be \$1.00. Said certificate shall be valid and have force throughout the State for a period of one year from date of issuance and may be renewed upon its expiration by payment in advance of an annual renewal fee of \$10.00 for the certificate of a master plumber or employing plumber and the payment in advance of an annual renewal fee of \$1.00 or the certificate of a journeyman plumber. All fees received for said certificate shall be paid into the treasury of the city, town, or village where said certificates are issued.

APPROVED June 14, 1909.

POLICE PENSION FUND IN CITIES OF 20,000 TO 50,000.

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| § 1. What moneys set apart.  | § 8. Pensioners living outside State.                                  |
| § 2. Board of trustees.  | § 9. Pension lost by crime.  |
| § 3. Who shall be pensioned—service for twenty years, etc.           | § 10. Meeting of board—officers—certificate—record—list of pensioners. |
| § 4. Disability—retirement.  | § 11. Powers of board.   |
| § 5. Certificate of disability.                                      | § 12. Report to board by treasurer.                                    |
| § 6. Death in performance of duty—pension to widow—death in service. | § 13. Beneficiaries under this Act when not sufficient money.          |
| § 7. Reporting to chief for examination in case of emergency.        |  |

(HOUSE BILL No. 181. APPROVED JUNE 14, 1909.)

AN ACT to provide for setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns, in the State of Illinois, having a population of not less than 20,000 and not more than 50,000 inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in all cities, villages and incorporated towns having a population of not less than 20,000 and not more

than 50,000 inhabitants, said population to be determined by the United States government statistics, there shall be set apart the following moneys to constitute a police pension fund:

*First*—Three-fourths of all moneys received for licenses upon dogs.

*Second*—Two per cent of all moneys received from licenses for the keeping of saloons, dram shops and wholesale liquor houses.

*Third*—All moneys received for special detail of police officers.

*Fourth*—Ten per cent of all fines collected for violations of city ordinances.

*Fifth*—One per cent per month, which shall be paid or deducted from the pension of every police pensioner of such city, village or town.

*Sixth*—All moneys received from fines imposed upon members of the police department of such city, village or town for violation of the rules and regulations of the police department.

*Seventh*—All rewards given or paid to members of such police force except such as shall be excepted by the board of trustees of the police pension fund.

*Eighth*—One per cent per month, which shall be paid or deducted from the salary of each and every member of the police department of such city, village or incorporated town: *Provided, however*, the sum so received shall in no case exceed \$1.00.

*Ninth*—Ten per cent of all revenues collected from licenses by such city, village or incorporated town not heretofore mentioned in this bill.

*Tenth*—All moneys that may have been accumulated by such city, village or town in conformity with any previous legislation establishing a fund for the benefit of disabled or superannuated policemen, and one-half of all the funds accumulated in any such city, village or town for the benefit of disabled or superannuated police or firemen by virtue of any previous legislation: *Provided, however*, there shall not be collected in any city, village or incorporated town in any year more than \$2,500, and should it be necessary to reduce the collections as above provided the reduction shall be made from the amount collected from dram shop licenses.

§ 2. BOARD OF TRUSTEES OF POLICE PENSION FUND.] A board, composed of three members, residents of such city, village or town, to be chosen as hereinafter provided, shall be and constitute a board of trustees to provide for the disbursement of said fund and designate the beneficiaries thereof as herein directed, which board shall be known as the board of trustees of the police pension fund of such city, village or town. Two of said board shall be appointed by the mayor of such city, village or town. One of said members shall serve for the period of one year, beginning on the second Tuesday of the first May after the passage of this Act, it having been determined that such city, village or town is within the provisions of this Act; or, beginning on the second Tuesday in May, as soon after the passage of this Act as any city, village or town, not at this time within the provisions of this Act, may by virtue of having attained the necessary population, come within the provisions of this Act. One of said members shall serve for a period of two years, beginning on the same date. The successors to any of the foregoing trus-



tees shall serve for a period of two years each, or until such time as their successors are appointed and qualified. The other person who, with the members above designated, shall constitute said board, shall be elected from the regular police force or from the beneficiaries under the provisions of this Act. The member to be elected shall be elected by ballot at a regular election, as aforesaid, at which election all members of the regular police force and all beneficiaries of lawful age shall be entitled to vote. The election provided for in this section shall be held annually on the third Monday in April, under the Australian ballot system, at such place or places in such city, village or town, under such regulations as shall be prescribed by the appointed members of said board: *Provided, however*, that no person entitled to vote, under the provisions of this Act, shall cast more than one vote at any such election. In the event of the death, resignation or inability to act of any member of said board, elected under the provisions of this section, the successor of such member shall be elected at a special election, which shall be called by said board and shall be conducted in the same manner as are the annual elections provided for above. Suitable rooms for offices and meetings of such board shall be assigned by the mayor or city council of such city, village or town.

§ 3. WHO SHALL BE PENSIONED—SERVICE FOR TWENTY YEARS, ETC.] Whenever any person who, at the time of the taking effect of this Act is a member of a regularly constituted police force of such city, village or town or who shall thereafter become a member of such a police force, shall have served for the period of twenty years or more upon the regularly constituted police force of such city, village or town of this State said board shall, subject to the provisions of this Act, order and direct that such person after becoming fifty years of age and his service on such police force shall have ceased, shall be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held on such police force for one year immediately prior to the time of such retirement: *Provided, however*, the maximum of said pension shall not exceed the sum of \$600.00 per year, and after the decease of such member his widow or minor child or children under sixteen years of age, if any survive him, or dependent parent if such there be, shall be entitled to the pension provided for in this Act, of such a deceased husband, father or son. But nothing in this or any other section of this Act shall warrant the payment of any annuity to any widow, child or dependent parent of a deceased member after she or he shall have married or remarried after the decease of such policemen. Nor shall any part of this section or any other section in this Act be so construed as to necessitate the retirement of any capable policeman at the age of fifty years.

§ 4. Whenever any policeman while serving as such, in any such city, village or town, shall become physically disabled while in and in consequence of the performance of his duty as such policeman, to such an extent as to necessitate his suspending the performance of his duty on such police force, or retirement from the police force, said board

shall order and direct that he be paid from said fund a pension of one-half of the amount of the salary attached to the rank which he may have held on said police force at the time of his so suspending performance of his duty or his retirement: *Provided*, that the maximum sum of such pension shall not exceed the sum of \$600.00 per year: *And, provided, further*, that whenever such disability shall cease and said policeman shall resume the performance of his duty on said police force such pension shall cease.

§ 5. No person shall receive any benefits from said fund, unless there shall be filed with said board, certificates of his disability, which certificates shall be subscribed and sworn to by said person and by the police surgeon (if there be one), and two practicing physicians of such city, village or town, and such board may require other evidence of disability before ordering such payment, as aforesaid.

§ 6. DEATH IN PERFORMANCE OF DUTY—PENSION TO WIDOW—DEATH IN SERVICE.] Whenever any member of the police force of any city, village or town shall lose his life while in the performance of his duty or receive injuries from which he shall thereafter die, leaving a widow, or child, or children under the age of sixteen years, or parent who is dependent upon such policeman for maintenance and support, then, upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension equal to one-half the salary received by said member, not to exceed \$600.00 per year, shall be paid to such widow during her life, or if there be no widow then to such child or children until they shall be sixteen years of age or if there be no widow or child under the age of sixteen years, then to such parent, if such there be, as is dependent upon such policeman for their support: *Provided*, if such widow, child or children or dependent parent shall marry then such person so marrying shall thereafter receive no pension from this fund: *And, provided, further*, that whenever any member of the police force of such city, village or town shall have retired or shall have been retired after twenty years service or on account of being physically disabled, shall then marry, such wife or child or children or dependent parent of such policeman, shall after his death, receive no pension from said fund. Whenever any member of a police force shall die after ten years service therein and while still in the service of such city, village or town, leaving a widow or child or children under the age of sixteen years or dependent parent upon such policeman for their maintenance and support, then upon satisfactory proof of such facts made to it, said board shall order and direct that a pension equal to one-half of the salary of such policeman: *Provided, however*, that the sum shall not be more than \$600.00 per year, shall be paid to such widow, or, if there be no widow, then to such child or children until they shall be sixteen years of age, or if there be no widow, or child under the age of sixteen years, then to such parent or parents as is or are dependent upon such policeman for their support, said pension to cease upon the marriage, as is heretofore provided.

§ 7. REPORTING TO CHIEF FOR EXAMINATION SERVICE IN CASE OF EMERGENCY.] Any policeman suspending the performance of his duty on account of disability may be summoned to appear before the board, herein provided for, at any time thereafter, and shall submit himself thereto for examination, as to his fitness for duty, and shall abide by the decision and order of such board with reference thereto, and all members of the police force who may be retired under the provisions of this Act, except those who voluntarily retire after twenty years service, shall report to the chief of police or the chief officer of the police department of the city, village or town where so retired on the second Tuesday of each and every month, and in case of emergency may be assigned to and shall perform such duty as said chief of police or said chief officer may direct; and such person shall have no claim against the city, village or town for payment for such duty so performed.

§ 8. PENSIONERS LIVING OUTSIDE STATE.] No pensioner under the provisions of this Act shall reside outside of the State of Illinois, except such as have satisfied the board of trustees of the police pension fund that their health is of such a nature as to render further residence in this climate hazardous, in which case such pensioner must, from time to time, furnish to the said board such proof and affidavits that they are complying with all the provisions of this Act as the board may require.

§ 9. PENSION LOST BY CRIME.] Whenever any person, who shall have received any benefits from said fund, shall be convicted of any felony or shall become an habitual drunkard or shall become a non-resident of this State, except as is heretofore provided, or shall fail to report himself, if physically able, for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board under this Act, in respect to said examination or duty, or the orders of the chief of police, then such board shall order that such pension allowance, as may have been granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit under this Act.

§ 10. MEETING OF BOARD—OFFICERS—CERTIFICATE—RECORD—LIST OF PENSIONERS.] The board herein provided for shall hold quarterly meetings on the second Tuesday of July, October, January and April of each year, and special meetings upon the call of the president of said board. On the second Tuesday of July of each year, it shall select one of its members who shall act as the president of such board for the period of one year, or until such time as his successor is elected and qualified. Said board shall on the same day also, select another of its members who shall act as the secretary of said board, for the period of one year or until such time as his successor is elected and qualified. Said board shall issue certificates signed by its president and secretary to the persons entitled thereto of the amount of money ordered paid to such persons from said fund by said board, which certificates shall state for what purpose said payment is made. Said board shall keep a record of all its proceedings, which records shall be a public record. Said board shall submit annually to the city council of such city, a list of persons entitled

to payments from the fund herein provided, stating the amount of such payments, and for what granted, as ordered by such board, which list shall be signed and certified by the secretary and president of such board, and attested by such secretary under oath: *Provided*, that no resolution shall be passed or order made for the payment of money unless by the affirmative vote of a majority of the members of said board.

§ 11. POWERS OF BOARD.] In addition to the other powers herein granted, the following further powers, and authority are hereby conferred upon said board:

*First*—The said board shall have exclusive control and management of the fund mentioned herein, and of all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the police department, their widows, minor children and dependent parents, the same to be placed by the treasurer of such city, village or town, to the credit of such fund, subject to the order of such board.

*Second*—Said board of trustees shall have the power to draw such pension funds from the treasurer or other officials of such city, village or town, and may invest such fund or any part thereof in the name of the board of trustees of the police pension fund in interest bearing bonds of the United States, of the State of Illinois or of any county of this State, or of any township or municipal corporation of the State of Illinois, and all securities shall be deposited with the treasurer of such city, town or village, and shall be subject to the order of said board. The interest received from any such investment of said fund shall be credited to the account of said pension fund.

*Third*—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this Act, in the same manner as is or may be provided by law for the taking of testimony before masters in chancery, and its president, or any member of said board may administer oaths to such witnesses.

*Fourth*—To appoint a clerk and define his duties.

*Fifth*—To provide for the payment from said fund of all its necessary expenses, including clerk hire, printing and witness fees: *Provided*, that no compensation or emolument shall be paid to any member of said board, for any duty required or performed under this Act.

*Sixth*—To make all necessary rules and regulations, for its guidance in conformity with the provisions of this Act.

§ 12. REPORT TO BOARD BY TREASURER.] On the second Tuesday in May of each year, the treasurer and all other officials of such city, village or town, who have had the custody or possession of any such pension funds herein provided, shall make a sworn statement to the board of trustees of such police pension fund, and to the mayor and council of such city, of all moneys received and paid out by such official on account of said pension fund during the year, and of the amount of said funds then on hand and owing to said pension fund. All surplus then remaining in said official's hand shall be paid by him to the treasurer of said city, village or town: *And, provided, further*, any official shall at

any and all times upon demand by said pension board, furnish to said board, statement or information of any kind relative to said official method of collection or handling of said pension funds: *And, provided, further*, that all books and records of such official shall be produced at any time by said official for examination and inspection by said board of pension trustees for the purpose herein provided.

§ 13. BENEFICIARIES UNDER THIS ACT WHEN NOT SUFFICIENT MONEY.] All members of the police force and any widow or child or children or dependent parent of such members of any city, village or town, who after the taking effect of this Act shall be entitled to receive any benefits under the provisions of this Act, or who may thereafter become entitled to benefits under the provisions of this Act and to whom the board of trustees have ordered and directed such benefits to be paid, shall receive in twelve equal monthly installments each year, a sum in all aggregating the amount to which they are entitled under the provisions of this Act. But, if at any time there shall not be sufficient moneys belonging to this fund to pay the allowances of such board to its beneficiaries, then they shall be paid *pro rata* from said funds, but no allowance or order of such board shall be held to create any liability against any such city, village or town, except upon the fund so set apart as aforesaid for the payment thereof.

APPROVED June 14, 1909.

#### POWERS—LICENSING OF SIGN BOARDS, ETC.

§ 1. Authorizes licensing of sign boards and signs.

(HOUSE BILL NO. 627. APPROVED JUNE 14, 1909.)

AN ACT granting power to the city council in cities, and the president and board of trustees in villages and incorporated towns to license and regulate advertising by means of bill boards, sign boards and signs.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities and the president and board of trustees in villages and incorporated towns shall have the power to license street advertising by means of bill boards, sign boards and signs, and to regulate the character and control the location of such bill boards, sign boards and signs upon vacant property and upon buildings.

APPROVED June 14, 1909.

#### POWERS—SALES OF MERCHANDISE BY WEIGHT, ETC.

§ 1. Authorizes ordinances governing sales of merchandise.

(SENATE BILL NO. 390. APPROVED JUNE 15, 1909.)

AN ACT to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities, and

the president and board of trustees in villages and incorporated towns, shall have power to require all grains, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish, butter, cheese and other similar dairv products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrarv. to be sold by standard avoirdupois weight or by numerical count.

APPROVED June 15, 1909.

#### SINKING FUNDS.

§ 1. Sinking fund commission.

§ 3. Emergency.

§ 2. Purchase of outstanding bonds  
—no appropriation necessary.

(SENATE BILL NO. 359. APPROVED JUNE 4, 1909.)

#### AN ACT concerning sinking funds.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* In every city, village and incorporated town there shall be a sinking fund commission composed of the mayor (or president of the board of trustees), the chairman of the finance committee and the city comptroller, or if there be no city comptroller, the clerk of said city, village or incorporated town.

§ 2. Whenever there shall be in the sinking fund of any city, village or incorporated town a sum in excess of that required for the payment of the bonded indebtedness of such city, village or incorporated town maturing in that, or the succeeding fiscal year, and the interest due in that period, the sinking fund commission may use such excess in the purchase of the outstanding bonds for the payment of which, at maturity, such sinking fund was or shall be created, paying therefor no more than the market price. When any such bond is so purchased, it shall be cancelled, and thereafter no taxes for the payment of such bonds or the interest thereon shall be levied. No further appropriation by such city, village or incorporated town shall be required for the application of money in such sinking fund to the payment of such bonds than is made hereby.

§ 3. WHEREAS, An emergency exists. this Act shall take effect and be in force from and after its passage.

APPROVED June 4, 1909.

## TAX FOR CORPORATE PURPOSES—MANNER OF ASSESSMENT.

§ 1. Amend section 1, article 8, Act of 1872.

§ 1. Ordinance for tax levy — copy to county clerk — county clerk to fix tax rate — municipality within two counties — limitation of rate.

(HOUSE BILL NO. 72. APPROVED JUNE 14, 1909.)

AN ACT to amend section 1 of article VIII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article VIII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended, be and the same hereby is amended so as to read as follows:

§ 1. The city council in cities and boards of trustees in villages may levy and collect taxes for corporate purposes in the manner following:

The city council or board of trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance specifying in detail the purposes for which such appropriations are made and the sum or amount appropriated for each purpose respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village as the same is assessed and equalized for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent which, upon the total valuation of all property subject to taxation within the city or village as the same is assessed and equalized for State and county purposes, will produce a net amount of not less than the amount so directed to be levied, and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector or collectors of State and county taxes within such city or village. And where the corporate limits of any city or village shall lie partly in two or more counties, the city council or board of trustees shall ascertain the total amount of all taxable property lying within the corporate limits of said city or village in each county as the same is assessed and equalized for State and county purposes for the current year, and certify the amount of taxable property in each county within said city or village, under the seal of said city or village, to the county clerk of the county where the seat of government of such city or village is situated, whose duty it shall be to ascertain the rate per cent which, upon the total valuation of all property subject to taxation within the city or village, ascertained as aforesaid, will produce a net amount not less than the amount so directed to be levied; and said clerk shall as soon as said rate per cent of taxation is ascertained, certify under his hand and seal of

office to the county clerk of any other county wherein a portion of said city or village is situate, such rate per cent, and it shall be the duty of such county clerk to whom such rate per cent is certified to extend such tax in a separate column upon the book or books of the collector or collectors of the State and county taxes for such county against all property in his county within the limits of said city or village: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or interest thereon, shall not exceed the rate of one and two-tenths (1.2) per centum upon the aggregate valuation of all property within such city or village subject to taxation therein, as the same was equalized for State and county taxes for the current year: *And, provided, further*, that nothing herein contained shall be held to repeal or modify the limitations contained in section 49 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved Feb. 25, 1898.

APPROVED June 14, 1909.

#### TAX RATE IN CERTAIN MUNICIPALITIES—LIMITATION.

§ 1. Amend section 1, Act of 1881.

§ 1. Tax levy in certain municipalities — rate fixed — school taxes excluded.

(HOUSE BILL No. 73. APPROVED JUNE 14, 1909.)

AN ACT to amend section 1 of an Act entitled, "An Act in relation to the rate of taxation in cities, villages and incorporated towns," approved and in force May 30, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act in relation to the rate of taxation in cities, villages and incorporated towns," approved and in force May 30, 1881, be and the same hereby is amended so as to read as follows:

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities, villages and incorporated towns in this State now having, by their respective charters, the power to levy and collect as high a rate of taxation as is herein authorized and provided for, shall hereafter have power to assess, levy and collect, annually, upon the taxable property within their respective limits, for all corporate purposes, in addition to all taxes which any such city, town or village may now or hereafter be authorized by law to levy and collect to support and maintain schools, erect school buildings and for all other school purposes, and to pay interest on its registered bonded indebtedness, such an amount as their respective corporate authorities may prescribe, not exceeding in any year the rate of sixty (60) cents on each one hundred (100) dollars of the assessed valuation of such taxable property as equalized by the State Board of Equalization for the preceding year. And the said rate authorized by this Act shall be in lieu of all rates and items of taxation now provided and authorized in such char-



ters, for all purposes other than schools, the erection of school buildings, and all other school purposes, and for paying interest on the registered bonded indebtedness of such city, town or village.

APPROVED June 14, 1909.

#### TUBERCULOSIS SANITARIUMS.

§ 1. Amends sections 1 and 2, Act of 1908.

§ 2. Petition—referendum — annual appropriation.

§ 1. Power to establish and maintain—annual tax levy.

§ 3. Emergency.

(SENATE BILL No. 139. APPROVED MARCH 12, 1909.)

AN ACT to amend sections 1 and 2 of "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act to amend sections 1 and 2 of "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908, be amended to read as follows:

§ 1. That the city council of cities and boards of trustees in villages of this State shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis and to levy a tax not to exceed one mill on the dollar annually on all taxable property of such city or village, such tax to be levied and collected in like manner with the general taxes of the said city and to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such city or village is now or hereafter may be authorized to levy.

§ 2. When one hundred legal voters of any such city or village shall present a petition to the city council or board of trustees of such city or village, as the case may be, asking that an annual tax may be levied for the establishment and maintenance of a public tuberculosis sanitarium in such city or village, such city council or board of trustees, as the case may be, shall instruct the city or village clerk to, and such city or village clerk shall, in the next legal notice of the regular annual election in such city or village, give notice that at such election every elector may vote "For the levy of a tax for a public tuberculosis sanitarium," or "against the levy of a tax for a public tuberculosis sanitarium," and if the majority of all the votes cast upon the proposition is, that such city or village shall be "for the tax for a public tuberculosis sanitarium," the city council or board of trustees of such city or village shall thereafter annually levy a tax of not to exceed one mill on the dollar, which tax shall be collected in like manner with other general taxes in such city or village and shall be known as the "Tuberculosis Sanitarium Fund," and thereafter the city council or board of trustees,

as the case may be, of such city or village shall include and appropriate from such fund in the annual appropriation bill such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such tuberculosis sanitarium.

§ 3. WHEREAS, An emergency exists, therefore, this Act shall be in force and effect from and after its passage.

APPROVED March 12, 1909.

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VILLAGES AND TOWNS UNDER SPECIAL ACTS—TRUSTEES.

§ 1. Provides for biennial election of trustees—classification—powers—proviso.

(SENATE BILL NO. 443. APPROVED JUNE 4, 1909.)

*AN ACT concerning the election and powers of trustees in villages and incorporated towns organized and existing under special Acts.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That at the regular annual election, to be held in the year A. D., 1910, in each and every village and incorporated town organized and existing under any special Act for the incorporation of such village or town wherein it is provided that the members of the legislative body of such village or town shall be elected annually, there shall be elected by the qualified electors therein, in lieu of the legislative body now provided for by law, six trustees, who shall hold their office until their successors are elected and qualified. At the first meeting of the board of trustees held after said election, the trustees elected shall be divided by lot into two classes; those of the first class shall continue in office for one year, and those of the second class for two years, from the date of the annual election for that municipal year, and annually thereafter there shall be elected three trustees, who shall hold their office for the term of two years and until their successors are elected and qualified; and said trustees in each village or incorporated town shall have the same powers and perform the same duties as are or may be given by law to the members of the present legislative body of such village or incorporated town and that have heretofore been given or may hereafter be given to trustees in villages organized under the general law: *Provided, however,* that nothing herein contained shall be so construed as to authorize said trustees in any such village or incorporated town to perform any act which the legislative body thereof is specifically prohibited from performing under the terms of the Act creating such village or incorporated town.

APPROVED June 4, 1909.

## CONVEYANCES.

## INSTRUMENTS EXECUTED WITHOUT STATE.

§ 1. Validates certain instruments executed without State. | § 2. Certificate as to validity—proviso.

(SENATE BILL No. 174. APPROVED JUNE 4, 1909.)

AN ACT to render valid all conveyances or other instruments affecting or relating to the title to real or personal property within this State, and instruments or writings relating to any obligation enforceable in this State, that may have been heretofore or that shall hereafter be executed without this State, to which a seal or scroll is not affixed and for other purposes relating thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all conveyances, writings or other instruments, whether a deed, mortgage, trust deed, lease, power or letter of attorney, will or testament, bond, contract, agreement, obligation or other instrument of whatsoever kind, nature or character, affecting or relating to the title to real or personal property within this State, or of any power, duty, right or trust thereof or therein, and also all instruments or writings of whatsoever nature, kind or character enforceable in this State, that may have been heretofore or that shall hereafter be executed without this State, by any party thereto, whether a resident of this State or not, to which a seal or scroll to the signature is not affixed, and where the usage or law of the State, district, territory, colony, republic, kingdom, empire, dominion, dependency or other place where such instrument is executed, in force at the time, dispenses with or does not require a seal or scroll to the signature of a party so executing the conveyance, instrument or writing, for its validity as such, are hereby validated, and shall be given the same force and effect in law and equity as if a seal or scroll had been duly affixed to the signature thereto.

§ 2. That the certificate of the Secretary of State, under his seal of office, or that of any court of record, certified to under the seal of the court, or that of any judge of any court of record (his official character being certified to), of the country or other place, outside of this State, where such conveyance, writing or other instrument shall have been executed, to the purport or effect that according to the usage or law of the land in force at the time (as the case may be), a seal or scroll to the signature of a party so executing the same, was dispensed with or not required for its validity, shall be deemed and taken as *prima facie* evidence thereof: *Provided*, that any other legal mode of proving that the seal or scroll to the signature was at the time there, by the usage or law, dispensed with or not required, may be resorted to in any place or court of this State, where the question may arise.

APPROVED June 4, 1909.

## LAND TITLES—RESTRICTIONS OF REGISTRAR AND DEPUTY.

§ 1. Amends section 4, Act of 1897.

§ 4. Restrictions as to attorney.

(SENATE BILL NO. 293. APPROVED JUNE 5, 1909.)

AN ACT to amend section 4 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 4 of an Act entitled "An Act concerning land titles," approved and in force May 1, 1897, be amended to read as follows:

§ 4. No registrar of titles or deputy registrar, or any partner of such registrar or deputy registrar, shall be engaged as attorney or counsellor at law in any matters affecting registration of land or any transfers of registered land.

APPROVED June 5, 1909.

## RE-CONVEYING UNDER TAX TITLES.

§ 1. Tax title holder not in possession  
—tender by owner. County  
clerk—duties—fees.

§ 3. Sheriff or master in chancery  
may make conveyance.

§ 2. Penalty for failure to re-convey.

§ 4. Requisites of tax deeds.

(HOUSE BILL NO. 92. APPROVED JUNE 14, 1909.)

AN ACT entitled, "An Act in regard to tax title and providing for the reconveyance of tax titles and fixing a penalty for failure or refusal to reconvey."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly as follows:* That whenever the grantee of a tax deed to real estate, or any one claiming thereunder, shall not be in possession or occupation of said premises so claimed and shall not take or institute proceedings in good faith to take possession within one year after the date of the first tax deed under his alleged tax title, then it shall be lawful for the owner of said real estate or his agent or attorney to pay or tender said tax title holder the amount of moneys paid out and expended by said tax title holder upon said sale with five per cent (5 per cent) interest per annum thereon together with subsequent taxes and specials paid and the statutory fees and costs incurred, and that upon such payment or tender the said tax title holder shall reconvey the premises aforesaid to the owner thereof, the amount of such tender may be based upon an estimate prepared by the county clerk.

In preparing such estimate, the county clerk shall include, in addition to the amount of moneys herein provided for, the following fees to the tax title holder:

For preparing the affidavit of compliance with law, \$1.00.

For service of the notices provided by law, which must be served by holders of certificates of sale, to occupants, owners or parties interested

in real estate sold for taxes, the sum of not to exceed \$3.00 for each lot, block, tract or piece of land, as listed, assessed and sold in one description.

For recording the tax deed, the actual cost of same, as ascertained from the recorder of deeds.

The county clerk shall be entitled to a fee of \$1.00 for preparing the estimate herein provided, and such estimate of the county clerk shall be *prima facie* evidence in all courts of the amount due said tax title holder.

§ 2. Any tax title holder failing or refusing to reconvey said premises to the owner thereof on demand after payment or tender of the amounts due, as provided for in section 1 of this Act, shall be fined a sum not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for each offense. One-half of said fine shall go to said property owner and one-half to the county.

§ 3. Upon affidavit or proof of tender being made, as provided by section 1 of this Act, the county court in the same proceeding wherein the sale upon which said deed issued may order upon the service of such notice as the court shall direct, the amount of said tender deposited with the county treasurer and that the sheriff or any master in chancery in said county may in the name of the holder of such title convey the premises to the owner thereof, and conveyance of tax title.

Whenever the tax purchaser makes application to withdraw moneys deposited with the county treasurer he shall deliver to the county treasurer a reconveyance of said tax title to the owner who made said deposit.

§ 4. All tax deeds shall contain the full names and the true post-office address and residence of the grantor and grantee and shall not be of any force or effect until after the same has been filed for record in the office of the recorder of deeds.

APPROVED June 14, 1909.

## CORONERS.

### PERMIT TO REMOVE DEAD BODY.

§ 1. Adds section 10a to Act of 1874.

10a. Permission where body is subject of coroner's inquest — penalty.

(SENATE BILL No. 392. APPROVED JUNE 5, 1909.)

AN ACT to amend an Act entitled, "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, by adding thereto one new section, to be known as section 10a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, be amended by adding thereto one new section, to be known as section 10a.

§ 10a. No person shall remove the dead body of any person from the county in which the same shall be found or lying before obtaining the permission of the coroner of said county where such body is the subject of a coroner's inquest. Any person who shall violate the provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days, or shall suffer both such fine and imprisonment.

APPROVED June 5, 1909.

## COUNTIES.

### ADDITIONAL TAX LEVY.

§ 1. Amends section 27, Act of 1874.

§ 2. Emergency.

§ 27. As amended, changes purpose of additional tax and manner and time of submission of question.

(HOUSE BILL NO. 517. APPROVED MAY 14, 1909.)

AN ACT to amend section twenty-seven (27) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, as amended by an Act approved May 15, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section twenty-seven (27) of "An Act to revise the law in relation to counties," approved and in force March 31, 1874, as amended by an Act approved May 15, 1903, in force July 1, 1903, be and the same is hereby amended to read as follows:

§ 27. RAISING TAX IN ADDITION TO CONSTITUTIONAL LIMIT.] Whenever the county board shall deem it necessary to assess taxes the aggregate of which shall exceed the rate of seventy-five cents per one hundred dollars valuation of the property of the county, except when such excess is to be used for the payment of indebtedness existing at the adoption of the constitution, the county board may, by an order entered of record, set forth substantially the amount of such excess required, the purpose for which the same will be required, and the number of years such excess will be required to be levied, and if for the payment of interest or principal, or both, upon bonds, shall in a general way designate the bonds and specify the number of years such excess will be required to be levied, and provide for the submission of the question of assessing the additional rate required to a vote of the people of the county at the next election for county officers or at any judicial election held in such county after the adoption of the resolution: *Provided, if*

such additional rate required is for the purpose of building a court house or any other public building for the county, a special election may be held for such purpose, and it shall be the duty of the county clerk in his election notice to give notice of such submission. The votes therefor shall be "For additional tax," and those against shall be "Against additional tax." The votes shall be canvassed and returned the same as those for county officers, and if a majority of the votes cast upon the question are "for additional tax," then the county board shall have power to cause such additional tax to be levied and collected in accordance with the terms of such resolution, and the money so collected shall be kept as a separate fund and disbursed only for the purpose for which the same was raised: *Provided*, any surplus that may remain after the payment of all demands against said fund, may be used for other purposes.

§ 2. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage.

APPROVED May 14, 1909.

#### COOK COUNTY COMMISSIONERS—POWERS AND DUTIES.

§ 1. Amends section 61, Act of 1874.

§ 61. As amended, changes plan for dieting prisoners after December, 1910.

(SENATE BILL NO. 312. APPROVED JUNE 8, 1909.)

AN ACT to amend section sixty-one (61) of an Act entitled, "An Act to revise the law in relation to counties," approved March 31, 1874, as amended by Acts approved respectively May 20, 1879, June 14, 1887, June 26, 1895, and May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixty-one (61) of an Act entitled, "An Act to revise the law in relation to counties," approved March 31, 1874, as amended by Acts approved respectively May 20, 1879, June 14, 1887, June 26, 1895, and May 18, 1905, be and the same is hereby amended to read as follows:

§ 61. The said commissioners shall severally, before they enter upon the discharge of their duties, take the oath of office prescribed by the constitution, and they shall be known as the board of commissioners of Cook county, and as such board shall possess the powers, perform the duties and be subject to the rules, regulations and restrictions hereinafter specified, that is to say:

*First*—Said board of commissioners shall hold regular meetings on the first Monday of December, January, February, March, June and September in each year. It shall be the duty of the president of the board of commissioners to call special meetings of the board whenever, in his opinion, the same may be necessary; and he shall preside at all the meetings of said board, and generally perform the duties usually performed by a presiding officer: *Provided*, that in the absence of the

president, or of his inability to act, a president *pro tempore* may be elected, who shall, during such absence or inability, possess all the powers and perform all the duties by law vested in and required of the president.

*Second*—The president of the board of commissioners shall have the same privilege of voting as any other commissioner; but he shall not have a casting vote upon any question upon which he has voted as commissioner.

*Third*—All resolutions or motions whereby any money shall be appropriated, or by virtue of which any contract shall be made, or any act done which may, directly or indirectly, or in any manner whatever, create any pecuniary liability on the part of said county, shall be submitted to said board of commissioners in writing, or reduced to writing, before any vote shall be taken thereon; and if adopted by the board, the same shall not take effect until after the same shall have been approved in writing by the president of said board, except as herein-after provided. It shall be the duty of the clerk of said board to deliver to the president thereof, upon his request, the original (or a copy) of each resolution or motion, so passed or adopted by said board as aforesaid, within one day after its passage or adoption; and in case the president approves thereof, he shall sign the same, and it shall thereupon be in full force and effect. In case the president shall not approve any such resolution or motion, he shall, within five days after the receipt of the same as aforesaid, return it to the clerk of the said board, with his objections thereto in writing. Such veto by the president may extend to any one or more items or appropriations contained in any resolution making an appropriation, or to the entire resolution; and in case the veto only extends to a part of such resolution making an appropriation, the residue thereof not embraced within the veto shall take effect and be in force from the time of the receipt by said clerk of such veto of such part. Upon the return of any such resolution or motion by the president, with his objections thereto as aforesaid, the vote by which the same was passed shall be reconsidered by the board of commissioners as to so much thereof as may have been vetoed; and if, after such reconsideration, four-fifths of all the members elected to the board shall agree to pass the same by yeas and nays, to be entered on the journal, the same shall take effect, notwithstanding the president may have refused to approve thereof. In case the president shall fail or omit to either sign and approve or return, with his objections as aforesaid, any such motion or resolution which shall have been passed or adopted by the board within six days after it shall have been so passed or adopted the same shall take effect without the approval of the president.

*Fourth*—Said board of commissioners shall have the management of the affairs of said Cook county, in the manner provided by law, and may exercise the same powers, perform the same duties, and shall be subject to the same rules, regulations and penalties prescribed by law



for the board of supervisors in other counties, except as herein otherwise provided; and shall also be subject to the rules, regulations and restrictions herein provided.

*Fifth*—The said board of commissioners shall have no power or authority to delegate to any committee or other person or persons the "power to act," when such "power to act" shall involve the letting of any contract or the expenditure of public money exceeding the sum of five hundred dollars (\$500); and any action of said board, or of any committee thereof, or of any other person or persons in violation of this section, shall be null and void. No money shall be appropriated or ordered paid by said county commissioners beyond the sum of five hundred dollars (\$500), unless such appropriation shall have been authorized by a vote of at least two-thirds of the members elected to the said county board. And no officer of Cook county, or other person, shall incur any indebtedness on behalf of the county, unless first authorized by said board of commissioners.

*Sixth*—Said board of commissioners shall, within the first quarter of each fiscal year adopt a resolution, to be termed the annual appropriations bill, in and by which resolution said board shall appropriate such sums of money as may be necessary to defray all necessary expenses and liabilities of said Cook county, to be by said county paid or incurred during and until the time of the adoption of the next annual appropriation bill under this section: *Provided*, that said board shall not expend any money or incur any indebtedness or liability on behalf of said county in excess of the percentage and several amounts now limited by law, and based on the limit prescribed in the constitution, when applied to the last previous assessment. Said appropriation bill shall specify the several objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. If the Legislature shall by law provide, or shall at any time appear to have by law provided, for the publication of the assessment of real or personal property, or both, to be paid for out of the county treasury, then said board of commissioners shall in each year, while such publication is required, make due provision for the cost thereof by sufficient appropriation in such resolution, which said appropriation shall take precedence over all the other appropriations contained in such resolution, excepting the provision for principal and interest of county indebtedness, the ordinary, current salaries of county officials and employes, the maintenance of county property and institutions (including courts and juries), dieting occupants of the jails, prisons, hospitals, and industrial schools, and the cost of elections required by law. Such appropriations shall take precedence of any appropriation for contingent fund or building fund; and if the tax actually collected in any such year shall be less than the total amount of the appropriations contained in said resolution, the items of appropriation following in such resolution after such appropriation for publishing assessments, in the order herein directed, shall be first abated, before the appropriation for such publication of tax assessments shall be reduced. The vote of said board of commis-

sioners upon said appropriation bill shall be taken by yeas and nays, and the same shall be entered upon the journal. Such appropriation bill shall not take effect until after it shall have been once published in a newspaper published in Chicago, and said board shall provide for and cause said appropriation bill to be published as aforesaid. After the adoption of such appropriation bill or resolution, the said board of commissioners shall not make any further or other appropriations prior to the adoption or passage of the next succeeding annual appropriation bill, and the said board of commissioners shall have no power, either directly or indirectly, to make any contract or to do any act which shall add to the county expenditure or liabilities in any year, anything or sum over and above the amount provided for in the annual appropriation bill for that fiscal year. No contract shall hereafter be made, or expense or liability incurred by the said board of commissioners, or any member or committee thereof, or by any person or persons, for or in its behalf, notwithstanding the expenditure may have been ordered by the said board of commissioners, unless an appropriation therefor shall have been previously made by said board in manner aforesaid: *Provided, however,* that nothing herein contained shall prevent the board of commissioners, by a concurring vote of four-fifths of all the commissioners (said votes to be taken by yeas and nays and entered upon the journal), from making any expenditure or incurring any liability rendered necessary, by any unforeseen casualty by fire, flood or otherwise, happening after the annual appropriation bill shall have been passed or adopted. Nor shall anything herein contained be construed to deprive the board of power to provide for and cause to be paid from the county funds any charge upon said county imposed by law, without the action of the board of commissioners, including fixed salaries of officers required by law to be paid from the county treasury, and to pay jurors' fees and other charges fixed by law.

*Seventh*—The board of commissioners shall establish and provide for the appointment of a committee on finance and a committee on public service. There shall be a superintendent of public service, to be appointed by the president, by and with the consent of the board of commissioners, who shall hold his office for one year and until his successor is appointed. He may be suspended or removed by the president. He shall give a sufficient bond for the performance of his duties and be subject to the oversight and supervision of the committee on the public service. It shall be the duty of the superintendent, under authority of the board of commissioners, to purchase, receive and distribute all supplies necessary for the use and service of Cook county and its various institutions, of whatever nature, including all supplies necessary for dieting the prisoners confined in the jail of said county, and, to keep, on and after the first Monday in December, 1910, accurate accounts of and vouchers for the same, which shall be open to the inspection of the president and the committee on public service and to the public. He shall also perform all other duties relative to the public service which

may be assigned to him by the board of commissioners, who shall make and maintain regulations for the conduct and government of the department of public service not inconsistent with this Act.

*Eighth*—All contracts for supplies, material and work for the county of Cook shall be let to the lowest responsible bidder, after due advertisement; but if, in case of any emergency, it is necessary to purchase supplies not exceeding in amount \$500, such purchase may be made by the superintendent in the open market, on authority given to him by the board of commissioners or the committee on public service. All contracts for supplies, material or work for Cook county shall be approved by the board of commissioners and signed by the president of the board, the superintendent of public service and the comptroller. Supplies shall be issued only on the requisitions of the responsible officers of the county institutions now or hereafter established by law, approved by the committee on public service.

*Ninth*—All officers and employes of the county of Cook, in the classification hereinafter provided for, except those whose election or appointment is otherwise provided for by law, and except those enumerated in paragraph twentieth of this section, shall be appointed by the president of the board, according to the provisions of this section. The salaries or rate of compensation of all officers and employes of said county, when not otherwise provided by law, shall be fixed by the board of commissioners and shall be fixed prior to the adoption of the annual appropriation, and shall not be changed during the year for which the appropriation is made. The board of commissioners shall also determine whether any or what amount of bond any officer or employe shall give.

*Tenth*—CIVIL SERVICE COMMISSION.] The president of the county board shall, at the first regular meeting of the first day after July, A. D. 1895, appoint three persons, who shall constitute and be known as the civil service commission of said county; one for a term ending on the first Monday of December, A. D. 1895; one for a term ending on the first Monday of December, A. D. 1896; and one ending on the first Monday of December, A. D. 1897, and until their respective successors are appointed and qualified. And at the respective dates above named, or soon thereafter, the president shall in like manner appoint one person as the successor, or a commission, whose term shall then expire, to serve as a commissioner for three years, and until his successor is in like manner appointed and qualified. Two commissioners shall constitute a quorum. All appointments to such commission, both original and to fill vacancies, shall be so made that not more than two members shall at the time of appointment be members of the same political party. Said commissioner shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State.

*Eleventh*—REMOVAL OF COMMISSIONERS—VACANCY.] The president may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The president shall, at the next regular meeting, report in writing any such removal to the board, with his reasons therefor. Any vacancy in the office of civil service commissioner shall be filled by appointment by the president.

*Twelfth*—CLASSIFICATION.] Said commissioners shall classify all the offices and places of employment in said county with reference to the examinations hereinafter provided for, except those offices and places mentioned in the twentieth paragraph in this section. The offices and places so classified by the commission shall constitute the classified civil service of said county, and no appointments to any of such offices or places or removals therefrom shall be made, except under and according to the rules hereinafter mentioned.

*Thirteenth*—RULES.] Said commission shall make rules to carry out the purposes of this Act, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules.

*Fourteenth*—PUBLICATION OF RULES—TIME OF TAKING EFFECT.] All rules made as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers published in such county; and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation.

*Fifteenth*—EXAMINATIONS.] All applicants for offices or places in said classified service, except those mentioned in the twentieth paragraph of this section, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinion or affiliations. The commission shall control all examinations and may, when an examination is to take place, designate a suitable number of persons, either in or not in the official service of said county, to be examiners; and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and make return or report thereof to said commission; and the commission may at any time substitute any other person, whether or not in such service, in the place of any one selected; and the commission may them-

selves, at any time, act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

*Sixteenth*—NOTICE OF EXAMINATION.] Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination, in a daily newspaper of general circulation published in said county, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the commission shall prescribe.

*Seventeenth*—REGISTERS.] From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of said county, of the person whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the registers as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Said commission may strike off names of candidates from the register after they have remained thereon for more than two years.

*Eighteenth*—PROMOTIONS.] The commission shall, by its rules, provide for promotion in such classified service, on the basis of ascertained merit, examination and seniority in service, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment.

*Nineteenth*—APPOINTMENTS TO CLASSIFIED SERVICE.] The head of the institution, department or office in which a position classified under this Act is to be filled, shall notify the president of the board and said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade said position belongs to, except that in case of laborers, where a choice by competition is impracticable, said commission may provide by its rules that the selection may be made by lot from among those candidates proved fit by examination. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. Said appointing officer, meaning thereby the president of said board, shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified by

said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. At or before the expiration of the period of probation, the officer having the power of appointment may, with the consent of said commission, discharge such person so appointed on probation, upon assigning in writing to said commission his reasons therefor.

*Twentieth—EXEMPTIONS.*] The president of the board of commissioners of Cook county shall, with the advice and consent of the board, appoint the warden of the county hospital, the superintendent of the insane asylum and poor house, the county agent, the county physician, the custodians of court house and criminal court building, the county attorney, the county architect, the committee clerk of the county board, and the said officers and the superintendent of public service shall not be included in the said classified service.

*Twenty-first—REMOVALS AND REDUCTIONS.*] Removals from the classified service, or reduction in grade of compensation, or both, may be made in any department of the service by the head of such department, for any cause which will promote the efficiency of the service; but only on written specifications by the officer making the removal or reduction; and the person sought to be removed or reduced shall have notice and shall be served with a copy of the specifications and be allowed reasonable time for answering the same in writing; and a copy of the notice, specifications, answer and of the order of removal or reduction shall be filed with the civil service commission. The said commission shall investigate any removal or reduction which it has reason to believe has not been made in accordance with the provisions of this section; and it may in any case investigate any removal or reduction, and then in accordance with its findings, approve or disapprove the same. The finding and decision of the said commission shall in every case be final, and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. A copy of said papers in each case shall be made a part of the record of the division of the service in which the removal or reduction is made. Nothing in this Act shall limit the power of any officer to suspend a subordinate, without pay, for cause assigned in writing, for a reasonable period, not exceeding thirty days. In the course of an investigation of charges, each member of the civil service commission shall have the power to administer oaths, and shall have the power to secure by its subpoena, both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation.

*Twenty-second—REPORT TO COMMISSION.*] Immediate notice in writing shall be given by the appointing power to said commission of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations or vacancies from any cause in such service and of the date thereof; and a record of the same shall be kept by said commission. When any office or place of em-

ployment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

*Twenty-third—INVESTIGATIONS.*] The commission shall investigate the enforcement of this Act and its rules, and the action of examiners herein provided for and the conduct and action of the appointees in the classified civil service of said county. In the course of such investigation each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations.

*Twenty-fourth—REPORTS OF COMMISSION.*] Said commission shall on or before the first Monday of September of each year make to the president for transmission to the board of commissioners a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. The president may require a report from said commission at any time.

*Twenty-fifth—*The civil service commission shall select one of their own number to act as chairman and one as secretary. The secretary shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction and perform such other duties as the commission shall require.

*Twenty-sixth—OFFICERS TO AID—ROOMS.*] All officers of said county shall aid said commission in all proper ways in carrying out the provisions of this Act, and at any place where examinations are to be held shall allow the reasonable use of public buildings for holding such examinations. The board of county commissioners shall cause suitable rooms to be provided for said commission at the expense of said county.

*Twenty-seventh—SALARIES AND EXPENSES.*] Each of said civil service commissioners shall receive a salary of fifteen hundred dollars a year, and said commission may also incur expenses not exceeding five hundred dollars a year for printing, stationery and other incidental matters.

*Twenty-eighth—APPROPRIATIONS.*] A sufficient sum of money shall be appropriated each year by said board to carry out the provisions of this Act in said county. If the board shall have already made the annual appropriation for county purposes for the current fiscal year, the board is authorized and required to pay the salaries and expenses of the civil service commission for such fiscal year out of the moneys appropriated for contingent purposes by said board.

*Twenty-ninth—FRAUDS PROHIBITED.*<sup>7</sup> No person or officer shall wilfully or corruptly, by himself or coöperation with any one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly make any false representation concerning the same or concerning the person examined,

or wilfully or corruptly furnish to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or to be examined being employed or promoted.

*Thirtieth*—No OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.] No officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section, shall solicit, orally or by letter, or receive or pay, or be in (any) manner concerned in soliciting, receiving or paying any assessments, subscriptions or contributions for any party or political purposes whatever.

*Thirty-first*—No PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYEES.] No person shall solicit orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or for any political purpose whatever, from any officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section.

*Thirty-second*—ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No person shall in any room or building occupied for the discharge of official duties by any officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, solicit, orally or by written communication, deliver therein or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employé in the classified civil service of said county or named in the twentieth paragraph of this section, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same, for the purpose of therein soliciting or delivering written solicitations for, or receiving or giving notice of any political assessments.

*Thirty-third*—PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIBITED.] No officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section shall, directly or indirectly, give or hand over to any officer or employé or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing on account of or to be applied to the promotion of any party or political object whatever.

*Thirty-fourth*—ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No officer or employé in said classified service or named in the twentieth paragraph of this section shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

*Thirty-fifth*—PAYMENT FOR PLACE PROHIBITED.] No applicant for appointment in said classified civil service, or to a position named in the twentieth paragraph of this section, either directly or indirectly, shall pay, or promise to pay any money or other valuable thing to any per-



son whatever for or on account of his appointment, or proposed appointment, and no officer or employé in said civil service or named in said paragraph shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

*Thirty-sixth*—RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PROHIBITED.] No applicant for appointment or promotion in classified civil service shall ask for or receive a recommendation for assistance from any officer or employé in said service, or of any person upon the consideration of any political service to be rendered to or for such person or for the promotion of such person to any office or employment [appointment.]

*Thirty-seventh*—AUDITING OFFICER.] No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this Act.

*Thirty-eighth*—APPOINTMENTS AND REMOVALS TO BE CERTIFIED TO THE COMPTROLLER.] The commission shall certify to the county clerk or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the commission under the provisions of the twenty-first paragraph of this section, that a person shall be discharged from the classified service.

*Thirty-ninth*—COMPTROLLER TO PAY SALARIES, ONLY AFTER CERTIFICATION.] No county clerk, comptroller or other auditing officer [officer] of said county shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employé of said county unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

*Fortieth*—COMPELling TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.] Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissions [commissioners] or by any board or person acting under the orders of the commission in the course of an investigation conducted either under the provisions of the twenty-first or twenty-third paragraph of this section, and who shall refuse or neglect to appear or testify, or to produce books and papers relevant to said investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in the forty-first paragraph of this section. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts, and shall be paid from the appropriation for the expenses of the commission. And any circuit court or any judge thereof, either in term time or vacation, upon application of any such commission [commissioner] or officer or board may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer by attachment for contempt or otherwise

in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.

*Forty-first*—PENALTIES.] Any person who shall willfully, or through culpable negligence violate any of the provisions of this Act or any rule promulgated in accordance with the provisions thereof shall be guilty of a misdemeanor and shall, on conviction thereof be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

*Forty-second*—PENALTIES, DISQUALIFICATION TO HOLD OFFICE.] If any person shall be convicted under the next preceding section, any public office or place of public employment, which such person may hold shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

*Forty-third*—WHAT OFFICERS TO PROSECUTE.] Prosecutions for violations of this Act may be instituted either by the Attorney General, the State's Attorney for the county in which the offense is alleged to have been committed, or by the commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who instituted them, unless they request the aid of other prosecuting officers.

APPROVED June 8, 1909.

#### COUNTY BOARD--DUTIES, SUPPLIES.

§ 1. Amends section 26, Act of 1874.

§ 26. As amended, third item includes "printing and postage" for county officers.

(SENATE BILL NO. 457. APPROVED JUNE 5, 1909.)

*AN ACT to amend section 26 of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 26 of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be amended to read as follows:

§ 26. It shall be the duty of the county board of each county:

*First*—To erect or otherwise provide when necessary, and the finances of the county will justify it, and keep in repair, a suitable court house, jail and other necessary county buildings, and to provide proper rooms and offices for the accommodation of the several courts of record of the county, and for the county board, county clerk, county treasurer, recorder, sheriff, and the clerks of said courts, and to provide suitable

furniture therefor. But in counties not under township organization, no appropriations shall be made for the erection of public buildings, without first submitting the proposition to a vote of the people of the county, and said vote shall be submitted in the same manner and under the same restrictions as provided for in like cases in section 27 of this Act; and the votes therefor shall be "For taxation," specifying the object, and those against shall be "Against taxation," specifying the object.

*Second*—To provide and keep in repair, when the finances of the county permit, suitable fire-proof safes or offices for the county clerk, county treasurer, recorder, sheriff and clerks of said courts.

*Third*—To provide suitable books, stationery, printing and postage for the use of the county board, county clerk, county treasurer, recorder, sheriff, coroner, State's Attorney, superintendent of schools, surveyor, judges and clerks of courts of record.

*Fourth*—To cause to be published at the close of each annual, regular or special meeting of the board, a brief statement of the proceedings thereof in one or more newspapers published in the county, in which shall be set forth the name of every individual who shall have had any account audited and allowed by said board and the amount of said claim as allowed, and the amount claimed, and also their proceedings upon the equalization of the assessment roll: *Provided*, that no publication in a newspaper shall be required unless the same can be done without unreasonable expense.

*Fifth*—To make out at its meeting in September, annually, a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what account received, to whom paid, and on what account expended, together with an accurate statement of the finances of the county at the end of the fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same; and within thirty days thereafter to cause the same to be posted up at the court house door, and at two other places in the county, and published for one week in some newspaper therein, if there is one, and the same can be done without unreasonable expense.

APPROVED June 5, 1909.

POWERS OF COUNTY AND COUNTY BOARD—TUBERCULOSIS  
SANITARIUM.

§ 1. Amends sections 24 and 25, Act of 1874.

§ 24. Amended by adding fifth provision relating to a tuberculosis sanitarium.

§ 25. Amended by adding ninth provision relating to a tuberculosis sanitarium.

(HOUSE BILL NO. 165. APPROVED APRIL 26, 1909.)

AN ACT to amend sections 24 and 25 of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 24 and 25 of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, shall be amended so as to read as follows:

§ 24. Each county shall have power—

*First*—To purchase and hold the real and personal estate necessary for the uses of the county, and to purchase and hold, for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

*Second*—To sell and convey or lease any real or personal estate owned by the county.

*Third*—To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

*Fourth*—To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

*Fifth*—To purchase and hold real estate upon which may be erected and maintained by the county a sanitarium for the care and treatment of the residents of the county who may be afflicted with tuberculosis; and to purchase, hold and use all necessary personal property for the proper care and maintenance of such real estate and sanitarium.

§ 25. The county boards of the several counties shall have power—

*First*—To take and have the care and custody of all the real and personal estate owned by the county.

*Second*—To manage the county funds and county business, except as otherwise specifically provided.

*Third*—To examine and settle all accounts against the county, and all accounts concerning the receipts and expenditures of the county.

*Fourth*—To cause to be erected, or otherwise provided, a suitable workhouse, in which persons convicted of offenses punishable by imprisonment in the county jail may be confined and employed, and to make rules and regulations for the management thereof. They may contract for the use of the city workhouse when the same can satisfactorily be done.

*Fifth*—To cause to be erected, or otherwise provided, suitable buildings for, and maintain, a county insane asylum, and provide for the management of the same.

*Sixth*—To cause to be annually levied and collected taxes for county purposes, including all purposes for which money may be raised by the county by taxation, not exceeding 75 cents on the one hundred dollars' valuation, and in addition thereto an annual tax not exceeding one hundred cents on the one hundred dollars for the purpose of paying the interest and principal of indebtedness which existed at the time of the adoption of the constitution.

*Seventh*—To authorize the vacation of any town plat when the same is not within any incorporated town, village or city, on the petition of two-thirds of the owners thereof.

*Eighth*—To change the name of any town plat on the petition of a majority of the legal voters residing therein when the inhabitants thereof have not become a body corporate.

*Ninth*—To cause to be erected, or otherwise provided, and maintained all suitable buildings for a sanitarium for the care and treatment of all persons suffering from tuberculosis who may be admitted to said sanitarium by, or under the direction of, said board, and to provide for the maintenance and management of the same.

APPROVED April 26, 1909.

## COURTS.

### APPELLATE COURTS—TERMS.

§ 1. Amends section 2, Act of 1877.

§ 2. Fixes terms in the several districts — proviso.

(HOUSE BILL No. 155. APPROVED JUNE 5, 1909.)

AN ACT to amend section two (2) of an Act entitled, "An Act to establish Appellate Courts," approved June 2, 1877, in force July 1, 1877, as amended by an Act approved April 22, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two (2) of an Act entitled, "An Act to establish Appellate Courts," approved June 2, 1877, in force July 1, 1877, as amended by an Act approved April 22, 1899, in force July 1, 1899, be amended so as to read as follows:

§ 2. The terms of said Appellate Courts shall be held in the several districts as follows: In the first district, at the city of Chicago, on the first Tuesdays in March and October of each year; in the second district at Ottawa, in LaSalle county on the first Tuesdays in April and October in each year; in the third district at Springfield, on the third Tuesdays of May and November in each year; in the fourth district in Mt. Vernon, on the fourth Tuesdays in March and October in each year. All cases now or hereafter taken to said Appellate Courts, and all processes of every nature and kind that would stand for hearing

or be returnable to any of said terms as now fixed by law, shall stand for hearing and be returnable to the first term of said court in each district, respectively, as fixed by this Act.

APPROVED June 5, 1909.

#### CIRCUIT COURTS—SHORT HAND REPORTERS.

§ 1. Amends section 2, Act of 1887.

§ 2. As amended, fixes compensation at \$8 per day and ten cents per one hundred words.

(HOUSE BILL NO. 422. APPROVED JUNE 8, 1909.)

AN ACT to amend section 2 of an Act entitled, "*An Act to authorize the judges of the circuit courts to appoint short-hand reporters for the taking and preservation of evidence, and to provide for their compensation,*" approved May 31, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two of an Act entitled, "*An Act to authorize the judges of the circuit courts to appoint short-hand reporters for the taking and preservation of evidence, and to provide for their compensation,*" approved May 31, 1887, in force July 1, 1887, be amended to read as follows:

§ 2. The said reporter shall cause full phonographic notes of the evidence in all trials in the court for which he is so appointed to be taken down, and one transcript of the same, if desired by either party of the suit or by their attorney or by the judge of the court, to be forthwith correctly made and furnished to the party desiring it. The compensation of the reporter for taking such phonographic notes, shall be eight dollars (\$8.00) per day for each day court is in session. The presiding judge of the court shall furnish to said reporter at the close of each term of court a certificate showing the amount per diem due him, and upon presentation to the county treasurer of such county he shall pay the same out of any funds of such county in his hands. Said reporters shall be allowed to charge not to exceed ten cents per one hundred words for making transcripts of said short-hand notes, to be paid in the first instance by the party on whose behalf such transcript is ordered, and allowed and taxed as costs in the suit, and the transcript when so paid for by the party ordering it and the charges for the same is taxed as costs, the same shall be filed and remain with the papers in the case: *Provided, however,* that when the judge trying the cause shall, of his own motion, order a transcript of said short-hand notes as hereinbefore provided, he may direct the payment of the charges therefor and the taxation of the same as costs in such manner as to him may seem just: *Provided, always,* that the charges for making but one transcript may be taxed as costs, the party first ordering the transcript shall have the preference, unless it shall be otherwise ordered by the court.

APPROVED June 8, 1909.

## CIRCUIT COURTS—TERMS, JEFFERSON COUNTY.

§ 1. Terms in Jefferson county.

(HOUSE BILL No. 712. APPROVED JUNE 9, 1909.)

AN ACT entitled, "*An Act to establish terms of circuit court for Jefferson county.*"

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the circuit court shall, after the taking effect of this Act, be held in the county of Jefferson as follows:

On the second Monday of January, the second Monday of April, and the second Monday of July and the fourth Monday of September in each year: *Provided*, there shall be no juries summoned for the July terms of court in said county unless by special order of a judge of said court, which order may be made either in term time or in vacation.

APPROVED June 9, 1909.

## CIRCUIT COURTS—TERMS, FOURTH CIRCUIT.

§ 1. Amends section 5, Act of 1879.

§ 5. Terms in fourth circuit.

(HOUSE BILL No. 642. APPROVED JUNE 10, 1909.)

AN ACT to amend section 5 of an Act entitled, "*An Act to amend 'An Act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of Illinois, exclusive of the county of Cook,'*" approved May 24, 1879, in force July 1, 1879; and as amended by an Act of the General Assembly approved June 11, 1897, and in force July 1, 1897; as amended by an Act of the General Assembly approved April 7, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 5 of an Act entitled, "*An Act to amend 'An Act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook,'*" and approved May 24, 1879, in force July 1, 1879; and as amended by an Act of the General Assembly approved June 11, 1897, and in force July 1, 1897; as amended by an Act of the General Assembly approved April 7, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows:

§ 5. *Fourth District*—In the county of Marion, on the second Monday of January and the fourth Mondays of April and September: *Provided*, that no grand jury shall be summoned for the January term of Marion county. In the county of Clinton, on the third Monday of January, on the first Monday of June and on the fourth Monday of September: *Provided*, the June term in Clinton county shall have no grand jury summoned, unless the same is done on the written order of the judge, made thirty days prior to the first day of the term; in the county of Clay, on the second Mondays of March and September; in

the county of Fayette, on the second Mondays of February and May and the fourth Monday of August; in the county of Effingham, on the third Mondays of March and October; in the county of Jasper, on the second Mondays of April and October; in the county of Montgomery, on the third Monday of January and the first Mondays of April and November; in the county of Shelby, on the fourth Monday of March and the first Monday of June and the second Monday of November; in the county of Christian, on the second Monday of March and fourth Mondays of August and November: *Provided*, in the June term in Shelby county shall have no juries summoned, unless the same is done on the written order of the judge, made thirty days prior to the first day of the term: *Provided*, that all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced or pending in the circuit court of Clinton county, or that may be pending therein at the time this Act takes effect, shall be cognizable and triable at the first term after this Act goes into force and effect.

APPROVED June 10, 1909.

CIRCUIT COURTS—TERMS, FIFTH CIRCUIT.

§ 1. Amends section 6, Act of 1879.

§ 6. Terms in fifth circuit.

(HOUSE BILL NO. 498. JUNE 10, 1909.)

AN ACT to amend section six (6) of an Act entitled, "*An Act to amend an Act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook*," approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903, as amended by Act approved April 22, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section six (6) of an Act entitled "*An Act to amend an Act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook*," approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903, as amended by Act approved April 22, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

§ 6. [*Fifth Circuit.*] In the county of Vermilion on the third Monday of January, the third Monday of May, the first Monday of October; in the county of Edgar on the second Monday of February, the first Monday of June and second Monday in November; in the county of Clark on the second Monday of March, the second Monday in July and the second Monday in November; in the county of Cumberland on the



first Monday of June and fourth Monday of November; in the county of Coles on the third Monday of April, the second Monday of October and second Monday of January: *Provided*, no grand jury shall be summoned for the January term of Coles county unless ordered by the court: *Provided, further*, that no grand jury or petit jury shall be summoned for the February term of Edgar county, unless ordered by the judge assigned to hold such term of court: *And, provided, further*, that no grand or petit jury shall be summoned for the July term of Clark county unless ordered by the judge assigned to hold such term of court, in writing, at least thirty days prior to the first day of such July term of court.

APPROVED June 10, 1909.

CIRCUIT COURTS—TERMS, EIGHTH CIRCUIT.

§ 1. Amends section 9, Act of 1879.

§ 9. Fixes terms in counties of eighth circuit.

(SENATE BILL NO. 502. APPROVED JUNE 4, 1909.)

AN ACT to amend section nine (9) of an Act entitled, "An Act to amend an Act concerning circuit courts, and to fix the time for holding same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section nine (9) of an Act entitled, "An Act to amend an Act concerning circuit courts and to fix the time for holding same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, be amended so as to read as follows:

§ 9. *Eighth Circuit.* In the county of Adams, on the third Monday in January, fourth Monday in March, third Monday in May, third Monday in June, third Monday in September, and fourth Monday in October; in the county of Schuyler, on the fourth Monday in February, first Monday in June and second Monday in September: *Provided*, that no jury, grand or petit, shall be summoned for said June term; in the county of Mason, on the third Monday in April, first Monday in August and second Monday in November: *Provided*, that no jury, grand or petit, shall be summoned for said August term; in the county of Cass, on the second Monday in January, third Monday in March and first Monday in October: *Provided*, that no jury, grand or petit, shall be summoned for said January term; in the county of Brown, on the fourth Monday in February and the second Monday in September; in the county of Pike, on the second Monday in April, third Monday in June and second Monday in November: *Provided*, that no jury, grand or petit, shall be summoned for said June term; in the county of Calhoun, on the second

Monday in May and the second Monday in October; in the county of Menard, on the first Monday in February, second Monday in June and fourth Monday in October.

APPROVED June 4, 1909.

CIRCUIT COURTS—TERMS, 15TH CIRCUIT.

§ 1. Amends section 16, Act of 1879.

§ 16. Terms in Jo Daviess county changed.

(SENATE BILL NO. 250. APPROVED MAY 7, 1909.)

AN ACT to amend section 16 of "An Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force April 19, 1907, as amended by an Act approved and in force January 31, 1907, and all Acts amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixteen of "An Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force April 19, 1907, as amended by an Act approved and in force January 31, 1907, and all Acts amendatory thereof, be and the same is hereby amended to read as follows:

§ 16. *Fifteenth Circuit.* In the county of Jo Daviess, on the first Mondays of November and February, and the fourth Monday in May; in the county of Stephenson, on the first Mondays of September and December, and the first Monday of March and June; in the county of Carroll on the first Monday of March, on the third Monday in June, and the third Monday of November; in the county of Ogle on the first Monday of October, on the first Monday of January and the fourth Monday of April; in the county of Lee, on the first Monday of January, second Monday of April and the third Monday of September.

APPROVED May 7, 1909.

## CIRCUIT COURTS—TERMS, SIXTEENTH CIRCUIT.

§ 1. Amends section 17, Act of 1879. |

§ 17. Terms in 16th circuit.

(HOUSE BILL NO. 434. APPROVED JUNE 10, 1909.)

AN ACT to amend section 17 of an Act entitled, "An Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by an Act approved June 11, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 17 of an Act entitled, "An Act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by an Act approved June 11, 1897, in force July 1, 1897, be and the same is hereby amended to read as follows:

§ 17. *Sixteenth Circuit.* In the county of Kane, on the first Monday of February, on the third Monday of May, on the second Monday of September and on the third Monday of November; in the county of DuPage, on the second Monday of January, on the second Monday of June and on the first Monday of October; in the county of Kendall, on the first Monday of April and on the fourth Monday of October; in the county of DeKalb, on the fourth Monday of February, on the first Monday of June and on the fourth Monday of October.

APPROVED JUNE 10, 1909.

## CIRCUIT COURTS—TERMS, SEVENTEENTH CIRCUIT.

§ 1. Amends section 18, Act of 1879. |

§ 18. As amended, eliminates proviso concerning jury for December term in Lake county.

(HOUSE BILL NO. 66. APPROVED JUNE 8, 1909.)

AN ACT to amend section 18 of an Act entitled, "An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 18 of an Act entitled, "An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, be and the same is hereby amended so as to read as follows:

§ 18. *Seventeenth Circuit.* In the county of Winnebago, on the first Monday of October, second Monday in January and second Monday

in April; in the county of Boone, on the fourth Mondays of January, April and September; in the county of McHenry, on the second Monday of January and the fourth Mondays of May and September; and in the county of Lake, on the first Monday of March, and first Monday of October and the first Monday in December.

APPROVED June 8, 1909.

CIRCUIT AND SUPERIOR COURTS—ASSIGNMENT OF JUDGES.

§ 1. Written request—assignment — | § 2. Written order—how made, etc.  
proviso.

(SENATE BILL NO. 305. APPROVED JUNE 5, 1909.)

AN ACT *to provide for judges of circuit courts and judges of the superior court of Cook county holding court in the several circuits of the State and Cook county by order of the Supreme Court or any judge thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever any two judges of any judicial circuit in the State of Illinois, exclusive of Cook county, or a majority of the judges of the circuit court of Cook county, or a majority of the judges of the superior court of Cook county, shall so request and state in writing to the Supreme Court of this State or to any judge thereof in vacation that the number of cases upon the several dockets of the said several courts of any such judicial circuit or of Cook county, as the case may be, is such as to require the assistance of a judge or judges not residing within such judicial circuit or the county of Cook, as the case may be, the Supreme Court, or the judge thereof, to whom such request and statement is made, in vacation, if satisfied of the correctness of the statements contained in such request, may, by a written order, assign any judge of the circuit court of the State or any judge of the superior court of Cook county to hold court in any of the circuit courts of the State or in the superior court of Cook county, as the case may be, according to such request: *Provided*, that no judge of said circuit or superior courts shall be required to hold court outside of his circuit or Cook county, as the case may be, at a time when the business of the courts of such circuit or Cook county, as the case may be, requires his services, nor shall any judge of said circuit or superior courts by reason of any such assignment to hold court outside of his circuit or Cook county, as the case may be, be required to hold court in the aggregate more than eight months in any year from the first day of June in one year to the first day of June of the succeeding year.

§ 2. The written order provided for by the preceding section shall state the period of time during which court is to be held by each judge assigned to hold court under and by such order. When said order is made by the Supreme Court it shall be entered upon the docket of said court, and when made by a judge of said court in vacation the same shall be signed by the judge making the same and forthwith be filed with

the clerk of said Supreme Court. It shall be the duty of such clerk, upon such order being made by said Supreme Court or being filed by such judge thereof, immediately to transmit a copy thereof to the judge or judges assigned by such order to hold court as herein provided.

APPROVED June 5, 1909.

CIRCUIT AND SUPERIOR COURTS—FARM DRAINAGE AND LEVEE MATTERS.

- |  |                        |
|--|------------------------|
| <p>§ 1. Concurrent jurisdiction with county court in all farm drainage and levee district matters—powers and duties.</p> | <p>§ 3. Appeals.</p>   |
| <p>§ 2. Orders, etc., in vacation.</p>   | <p>§ 4. Repeal.</p>    |
|  | <p>§ 5. Emergency.</p> |

(SENATE BILL NO. 77. APPROVED JUNE 5, 1909.)

AN ACT to give circuit courts of this State, and the superior courts of Cook county, in term time, and judges thereof in vacation, concurrent jurisdiction with the county courts, in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts, and the operation thereof, and to [repeal] all Acts in conflict herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That circuit courts of this State, and the superior courts of Cook county, are hereby given concurrent jurisdiction with county courts in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts, and the operation thereof; and when proceedings under this Act are pending in the circuit court, such court shall have power to make all necessary orders affecting the district or its officers as fully as is now vested in the county courts; and the clerk of the circuit court shall, when the proceeding is pending in such court, do and perform in the premises each and all duty or duties required by the clerk of the county court in drainage and levee matters, when such proceedings are pending therein; and all reports, complaints, oaths, affirmations, confirmations and returns, in such matters required to be made to the county court, shall be made in the circuit court of this State, and the superior courts of Cook county, when the proceeding is pending therein.

§ 2. That the several judges of the circuit courts of this State and the superior courts of Cook county are hereby given jurisdiction in vacation to make all necessary orders and hear and determine any and all matters pertaining to the organization of farm drainage districts and farm drainage and levee districts, and the operation thereof, the same as in term time. Any order so made shall be signed by the judge making it and filed and entered of record by the clerk of the court in which the proceeding is had, and from the date of such filing shall have like force and effect as if made at a regular term of such court.

§ 3. Appeals may be taken from the final orders, judgments and decrees from either of the county or circuit courts to the Supreme Court.

§ 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 5. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED June 5, 1909.

#### CITY COURTS—SALARIES OF JUDGES.

§ 1. Amends section 23, Act of 1901.

§ 23. As amended, salaries of judges in cities over 5,000 to be paid out of State treasury.

(HOUSE BILL No. 188. APPROVED JUNE 10, 1909.)

AN ACT to amend section 23 of "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901, as amended by Act approved May 8, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 23 of "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901, as amended by Act approved May 8, 1907, in force July 1, 1907, be, and the same is hereby amended so as to read as follows:

§ 23. The judges of said court shall be allowed and receive as an annual salary in lieu of all other fees, perquisites or benefits whatsoever in cities having a population not exceeding five thousand (5,000) inhabitants, the sum of five hundred dollars (\$500), to be paid out of the city treasury; and in cities having more than five thousand (5,000) and less than eight thousand (8,000) inhabitants, the sum of fifteen hundred dollars (\$1,500); and in cities having more than eight thousand (8,000) and less than twenty-five thousand (25,000) inhabitants, the sum of two thousand dollars (\$2,000); and in cities having more than twenty-five thousand (25,000) inhabitants, the sum of three thousand dollars (\$3,000) to be paid out of the State treasury: *Provided*, that wherever an additional judge is elected in any city where a city court has been established, said additional judge shall be allowed and receive as an annual salary, the sum of three thousand dollars (\$3,000) to be paid out of the State treasury.

APPROVED June 10, 1909.

#### COUNTY COURTS—EDGAR COUNTY.

§ 1. Amends section 31, Act of 1874.

§ 31. Terms in Edgar county.

(HOUSE BILL No. 176. APPROVED JUNE 8, 1909.)

AN ACT to amend section 31 of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 31 of an Act entitled,

"An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, in force July 1, 1879, be and the same is hereby amended to read as follows:

§ 31. Edgar, in April and October.

APPROVED June 8, 1909.

#### COUNTY COURTS—FRANKLIN COUNTY.

§ 1. Amends section 36, Act of 1874.

§ 36. Terms in Franklin county.

(HOUSE BILL NO. 578. APPROVED JUNE 9, 1909.)

AN ACT to amend section 36 of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, and in force July 1, 1879.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 36 of an Act entitled "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by an Act approved May 15, 1879, in force July 1, 1879, be and the same is hereby amended to read as follows:

§ 36. Franklin County. On the second Mondays of January, April, July and October.

APPROVED June 9, 1909.

#### COUNTY COURTS—FULTON COUNTY.

§ 1. Amends section 37, Act of 1874.

§ 37. Terms in Fulton county.

§ 2. Repeal.

(HOUSE BILL NO. 714. APPROVED JUNE 10, 1909.)

AN ACT to amend section 37 of an Act entitled, "An Act to extend the jurisdiction of the county courts and to provide for the practice thereof, to fix the time for holding the same and repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by an Act entitled, "An Act to amend sections thirty-seven, seventy-four and one hundred and one of an Act entitled 'An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named,' approved March 26, 1874, approved May 23, 1883, in force July 1, 1883.

[SECTION 1.] Be it enacted by the People of the State of Illinois represented in the General Assembly: § 1. That section 37 of an Act

entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by an Act entitled, "An Act to amend sections thirty-seven, seventy-four and one hundred and one of an Act entitled, 'An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named,' approved March 26, 1874," approved May 23, 1883, in force July 1, 1883, shall be amended so as to read as follows:

[§ 37.] Fulton, second Mondays in March and November.

§ 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

APPROVED June 10, 1909.

#### COUNTY COURTS—SALINE COUNTY.

§ 1. Amends section 91, Act of 1874. | § 91. Terms in Saline county.

(HOUSE BILL NO. 721. APPROVED JUNE 10, 1909.)

AN ACT to amend section ninety-one (91) of an Act entitled, "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by Act approved March 29, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section ninety-one (91) of an Act entitled, "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by Act approved March 29, 1875, in force July 1, 1875, be amended to read as follows:

§ 91. The law terms of the county court of Saline county shall commence on the second Mondays in the months of February, May, August and November.

APPROVED June 10, 1909.

#### COUNTY AND PROBATE COURTS—CLERKS AND DEPUTIES RESTRICTED.

§ 1. What unlawful for clerk or deputy. | § 2. Penalty.

(HOUSE BILL NO. 100. APPROVED JUNE 8, 1909.)

AN ACT to prohibit county and probate clerks and deputy county or probate clerks from preparing certain documents and from holding certain positions.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any



county or probate clerk or deputy county or probate clerk to prepare or draft any document which is to be filed or recorded in the court in which he is clerk or deputy clerk, except such documents as such clerks are by law required, or by some statute authorized to draft or prepare; and that it shall be unlawful for any such clerk or deputy clerk to act as an administrator, executor, conservator or guardian, or to act as a trustee by appointment (of any court of which he is clerk or deputy clerk) or of the last will and testament of any person.

§ 2. Any person violating section 1 of this Act shall be guilty of misdemeanor and shall be fined fifty dollars (\$50) for the first offense by any court having jurisdiction, and one hundred dollars (\$100) for the second offense, and if such violation is by a county or probate clerk then he may also be removed from his office.

APPROVED June 8, 1909.

#### COUNTY AND PROBATE COURTS—TESTATE ESTATES.

§ 1. Confers original jurisdiction over testamentary trusts—chancery powers of courts.

§ 2. Practice.

§ 3. Sale and distribution of real estate—rules of procedure.

§ 4. Sales effectual against heirs and devisees—death of trustee—successor.

§ 5. Fees of clerks of court.

§ 6. What Act does not repeal.

(HOUSE BILL NO. 39. APPROVED JUNE 14, 1909.)

*AN ACT to extend the jurisdiction of probate courts and county courts having probate jurisdiction so as to include the complete administration of testate estates.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That original jurisdiction is hereby conferred upon probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law to supervise and control all testamentary trusts created by original wills of deceased persons proved and admitted to probate in such court. The jurisdiction hereby conferred shall include the appointments and removals of trustees, the issuing of letters of trusteeship to such trustees, the fixing and approving of their bonds and the settlement of their accounts; and in regard thereto said court shall have and exercise full chancery powers.

§ 2. The practice in such matters of testamentary trusts in probate or county courts as herein provided shall be as nearly as may be analogous to that now existing in the probate and settlement of testate estates. The court shall have power in a summary manner to require the filing of accounts of testamentary trustees and to enforce all orders in relation thereto by citation or attachment in the same manner as is now provided by law in case of executors and administrators.

§ 3. The supervision and control of testamentary trusts vested by this Act in probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law,

shall extend to and include the power in such courts to order the sale of the real estate to which any testator had claim or title, or such part thereof as may be necessary, for the payment of legacies or other charges made thereon by the testator, and in cases where the court shall find it necessary or expedient for the complete execution of the will of the testator and the equitable distribution of his estate in accordance therewith, that such real estate or part thereof be sold. In the exercise of this power such courts shall proceed, as near as may be, in conformity with the procedure established by law for the sale of real estate to pay debts in courts having probate jurisdiction.

§ 4. All such sales of real estate shall be made, and conveyances executed for the same by the executor, administrator with the will annexed, or testamentary trustee applying for such order, and shall be valid and effectual against the heirs and devisees of such testator, and all other persons claiming by, through or under him or them. In case of the death of the executor, administrator with the will annexed, or testamentary trustee applying for an order of sale before conveyance is made, his successor shall proceed in the premises and make conveyance in the same manner as if he had originally applied for such order, which conveyance shall be good and valid.

§ 5. The clerks of probate and county courts having probate jurisdiction shall be entitled to take fees as are now, or hereafter may be authorized by law for like service in the matter of the estates of deceased persons, but no docket fee shall be charged against any estate so held in trust where the original estate when probated was charged and paid a docket fee as provided by law.

§ 6. Nothing in the Act contained shall be construed as repealing any of the provisions of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, nor any of the provisions of an Act entitled, "An Act to amend section[s] seven (7) and eighteen (18) of an Act entitled, "An Act concerning land titles, approved and in force May 1, 1897," approved May 18, 1903, and in force July 1, 1903.

APPROVED June 14, 1909.

#### SUPREME COURT—MARSHAL.

§ 1. Amends section 11, Act of 1874.

§ 11. As amended, changes "bailiff" to "marshal."

(HOUSE BILL NO. 249. APPROVED JUNE 5, 1909.)

AN ACT to amend section eleven (11) of an Act entitled, "An Act to revise the law in relation to the Supreme Court," approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 17, 1907, in force July 1, 1907.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section (11) of an Act entitled, "An Act to revise the law in relation to the Supreme Court,"

approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 17, 1907, in force July 1, 1907, be and the same is, hereby amended so as to read as follows:

§ 11. A marshal for the Supreme Court is hereby created, such marshal to be selected by the Supreme Court, and the duties of such marshal shall be to attend upon its sittings and to perform such other duties, under the order and direction of the said court, as are usually performed by sheriffs of courts. The salary of such marshal is hereby fixed in the sum of \$1,200 per year, payable monthly, such salary to be paid out of any moneys in the treasury, not otherwise appropriated upon bills of particulars, signed by any one of the justices of the Supreme Court.

APPROVED June 5, 1909.

## CRIMINAL CODE.

### ELECTRIC APPARATUS.

§ 1. Injury or destruction—penalty.

(SENATE BILL NO. 243. APPROVED JUNE 5, 1909.)

AN ACT entitled, "*An Act to punish persons for wilful injury to lines, poles and other apparatus used in transmitting or carrying electric current or messages.*"

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Whoever shall wilfully and maliciously, by the throwing of stones, shooting at, or otherwise break, injure, destroy, or partly break, injure or destroy, any line or lines, pole or poles, electric insulator or insulators, or any other apparatus (used in transmitting or carrying electric current or messages), belonging to any other person or persons, corporation or corporations, or to the State, or any county, city or municipal corporation, shall be fined not exceeding five hundred dollars (\$500.00), or confined in the county jail not exceeding one year, or both, for each offense.

APPROVED June 5, 1909.

### FALSE PRETENSES—WRITTEN STATEMENTS.

§ 1. Amends section 97, Act of 1874.

§ 97. As amended, renders officer of a corporation liable.

(HOUSE BILL NO. 581. APPROVED JUNE 8, 1909.)

AN ACT to amend section 97 of "*An Act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 97 of an Act entitled,

"An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

§ 97. Whoever, by any false representation in writing, signed by him, of the respectability, wealth, mercantile correspondence or connections, or assets or liabilities of himself or of any firm of which he is a member, or whoever, being an officer of a corporation, by any false representation in writing, known by him to be false and signed by him, of the respectability, wealth, mercantile correspondence or connections, or the assets or liabilities, or any or all of them, of such corporation, obtains credit for himself, for such firm or for such corporation, and thereby defrauds any person of money, goods, chattels or any valuable thing, or whoever procures another to make a false report in writing, signed by the person making the same, of the honesty, wealth, mercantile correspondence or connections, or assets or liabilities of himself, or of any firm of which he is a member, or whoever, being an officer of a corporation, procures another to make a false report in writing, known by him to be false, signed by the person making the same, of the honesty, wealth, mercantile correspondence or connections, or assets or liabilities of such corporation, and thus obtains credit for himself, for such firm or for such corporation, and thereby defrauds any person of any money, goods, chattels or other valuable thing, shall be sentenced to return the money or property so fraudulently obtained, if it can be done, and shall be fined not exceeding \$2,000 and confined in the county jail not exceeding one year.

APPROVED June 8, 1909.

#### LARCENY AND EMBEZZLEMENT OF FRATERNAL FUNDS, ETC.

§ 1. Who deemed guilty of larceny— indictment. | § 2. Emergency.

(HOUSE BILL NO. 37. APPROVED JUNE 9, 1909.)

*AN ACT concerning larceny and embezzlement of funds and property of fraternal beneficiary societies, corporations and associations, and their subordinate lodges, by officers thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any person who is a member and officer of any fraternal beneficiary society, corporation or association, or subordinate lodge thereof, and as such member is a beneficial owner of any part of any funds or property of any such beneficiary society, corporation, association or subordinate lodge thereof, who shall embezzle or fraudulently convert to his own use or take and secrete, with intent so to do, without the consent of the beneficiary, society, corporation, association or subordinate lodge thereof as the case may be, any funds or property of such beneficiary society, corporation, association or subordinate lodge thereof, which has come to his possession or

is under his care by virtue of such office, shall be deemed guilty of larceny, the same as if he had not been or was not a member of such fraternal beneficiary society, corporation, association or subordinate lodge thereof, or one of the beneficial owners of such funds or property; and it shall be sufficient in any indictment for embezzlement of funds or property of any beneficiary society, corporation, association or subordinate lodge thereof to allege the title to such funds or property to be in the supreme lodge, grand lodge or subordinate lodge thereof, by the name by which the same is commonly known; and it shall not be a defense under such indictment that any officer has a personal interest in the funds or property.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage and its approval by the Governor.

APPROVED June 9, 1909.

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PANDERING—DETENTION OF FEMALES.

§ 1. Detention by debt or otherwise of females in house of prostitution, etc.—penalty.

(HOUSE BILL NO. 632. APPROVED JUNE 9, 1909.)

AN ACT to prevent the detention, by debt or otherwise, of female persons in houses of prostitution or other places where prostitution is practiced or allowed, and providing for the punishment thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whoever shall by any means keep, hold or detain against her will or restrain, any female person in a house of prostitution or other place where prostitution is practiced or allowed, or whoever shall, directly or indirectly, keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain, in any house of prostitution or other place, where prostitution is practiced or allowed, any female person, by any means, for the purpose of compelling such female person, directly or indirectly, to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such female person, shall, upon conviction, for the first offense under this Act be punished by imprisonment in the county jail or house of correction for a period of not less than six months nor more than one year, and by a fine of not less than three hundred dollars and not to exceed one thousand dollars, and upon conviction for any subsequent offense under this Act shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

APPROVED June 9, 1909.

## PANDERING—REVISION.

§ 1. Amends Act of 1908.

§ 1. Pandering defined—penalty.

§ 2. What not a defense.

§ 3. Evidence.

§ 4. Marriage, no defense.

(HOUSE BILL NO. 631. APPROVED JUNE 12, 1909.)

AN ACT to amend an Act entitled, "An Act in relation to pandering, to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial therefor, and providing what shall be a defense," approved June 1, 1908, in force July 1, 1908, and also the title of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act in relation to pandering: To define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial therefor, and providing what shall be a defense," approved June 1, 1908, in force July 1, 1908, including the title of said Act, be amended so as to read as follows:

§ [1.] 2. Any person who shall procure a female inmate for a house of prostitution or who, by promises, threats, violence or by any device or scheme, shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution, or shall procure a place as inmate in a house of prostitution for a female person, or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate, or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this State, or to come into this State or leave this State for the purpose of prostitution, or who shall procure any female person who has not previously practiced prostitution to become an inmate of a house of ill fame within this State, or to come into this State or leave this State for the purpose of prostitution, or who shall receive or give, or agree to receive or give, any money or thing of value for procuring, or attempting to procure, any female person to become an inmate of a house of ill fame within this State, or to come into this State or leave this State for the purpose of prostitution, shall be guilty of pandering, and upon a first conviction for an offense under this Act shall be punished by imprisonment in the county jail or house of correction for a period of not less than six months nor more than one year and by a fine of not less than three hundred dollars and not to exceed one thousand dollars, and upon conviction for any subsequent offense under this Act shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than ten years.

§ 2. It shall not be a defense to a prosecution for any of the Acts prohibited in the foregoing section that any part of such Act or Acts shall have been committed outside this State, and the offense shall in such case be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be practiced, or in which the offense was consummated, or any overt acts in furtherance of the offense shall have been committed.

§ 3. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this Act to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this Act, whether called as a witness during the existence of the marriage or after its dissolution.

§ 4. The act or state of marriage shall not be a defense to any violation of this Act.

APPROVED June 12, 1909.

#### POLICE POWERS OF CONDUCTORS AND CAPTAINS.

§ 1. Amends section 2, Act of 1877.

§ 2. As amended, conductor, etc., may wear badge.

(HOUSE BILL No. 33. APPROVED JUNE 9, 1909.)

AN ACT to amend section 2 of an Act entitled, "An Act for the protection of passengers on railroads and steamboats," approved May 14, 1877, in force July 1, 1877; title as amended by Act approved May 29, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the protection of passengers on railroads and steamboats," approved May 14, 1877, in force July 1, 1877; title as amended by Act approved May 29, 1879, in force July 1, 1879, be and the same is hereby amended so as to read as follows:

§ 2. That the conductors of all railroad trains and captain or master of any steamboat carrying passengers, within the jurisdiction of this State, shall be vested with police powers while on duty on their respective trains and boats, and may wear an appropriate badge indicative of such authority.

APPROVED June 9, 1909.

## DRAINAGE.

## DRAINS, DITCHES AND LEVEES—REVISION.

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| <p>§ 1. Amends sections 5, 9, 13, 15, 16, 17, 17½, 18, 26½, 37, 42, 55 and 59; repeals sections 19, 20, 21 and 22; and adds sections 5a, 17a and 17b, Act of 1879.</p> <p>§ 5. Hearing — finding of court — commissioners.</p> <p>§ 5a. Proceedings since May 20, 1907 declared valid.</p> <p>§ 9. Commissioners to examine land—report.</p> <p>§ 13. Filing report—hearing—confirmation.</p> <p>§ 15. Referring report—adjournment.</p> <p>§ 16. Order of confirmation—appeals—validity.</p> <p>§ 17. Right-of-way—commissioners' roll of assessments.</p> <p>§ 17a. Filing of roll—hearing before jury.</p> | <p>§ 17b. Organization of jury—examination of lands—verdict — confirmation.</p> <p>§ 17½. Assessment for repairs.</p> <p>§ 18. Assessment of benefits.</p> <p>§ 26½. Annual amount of benefits—when payable—borrowing money — interest.</p> <p>§ 37. Suits, money used under direction of court — additional assessments.</p> <p>§ 42. Pay of commissioners and clerk.</p> <p>§ 55. Corporate authorities assessed for benefits and damages.</p> <p>§ 59. Constructing additional ditches—proceedings.</p> <p>§ 2. Repeals sections 19, 20, 21, 22—rights saved.</p> <p>§ 3. Emergency.</p> |
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(SENATE BILL NO. 338. APPROVED MAY 29, 1909.)

AN ACT to amend sections five (5), nine (9), thirteen (13), fifteen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-five (55) and fifty-nine (59), and to repeal sections (19), twenty (20), twenty-one (21) and twenty-two (22), and to add three new sections, to be known as sections five A (5a), seventeen A (17a) and seventeen B (17b) respectively, to an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That sections five (5), nine (9), thirteen (13), fifteen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-five (55) and fifty-nine (59)



of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907, be and the same are hereby amended, and by adding thereto three additional sections, to be known as sections five A (5a), seventeen A (17a) and seventeen B (17b) respectively, and which shall read as follows:

§ 5. On the hearing of any petition filed under the provisions of this chapter, all parties through or upon whose land any of the proposed work may be constructed, or whose lands may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. It shall be the duty of the court to hear and determine whether or not the said petition contains the signatures of a majority of the owners of lands within said proposed district who are of lawful age, and who represent one-third in area of the lands proposed to be affected by such work, or that the said petition is signed by one-third ( $\frac{1}{3}$ ) of the owners of lands in said proposed district who have arrived at lawful age and who represent a major portion in area of the lands proposed to be reclaimed or benefited, and the affidavit of any three (3) or more of the signers of said petition, that they have examined said petition and are acquainted with the locality of said district, and that the said petition is signed by a majority of such owners, who are of lawful age, who represent at least one-third in area of the lands proposed to be affected by such work, or that said petition is signed by one-third ( $\frac{1}{3}$ ) of the owners of lands in said proposed district who have arrived at lawful age and who represent a major portion in area of the lands proposed to be reclaimed or benefited, may be taken by the court as *prima facie* evidence of the facts stated therein; or the oath or affirmation before said court, or the affidavit of any person, properly taken and certified by any person or court authorized to take acknowledgments of deeds to real estate, in this State, giving the age of such party, and his or her ownership of lands, to be named in such oath, affirmation or affidavit, by proper description, shall be sufficient evidence to the court of such facts: *Provided*, that all deeds made for the purpose of establishing or defeating the prayer of said petition, not made in good faith and for a valuable consideration, shall be taken and held to be in fraud of the provisions of this Act, and the holders thereof shall not be considered as owners thereof. If the court, after hearing any and all competent evidence, that may be offered before it for and against the said petition, shall find the same has not been signed as hereinbefore required, the said petition shall be dismissed at the cost of

the petitioners; but if the court shall find that the petition has been signed, as heretofore provided, the court shall so find, and such finding shall be conclusive upon the land owners of such district that they have assented to and accepted the provisions of this Act; and if it shall further appear to the court that the proposed drain or drains, ditch or ditches, levee or other works, is or are necessary or will be useful for the drainage of the lands proposed to be drained thereby, for agricultural, sanitary or mining purposes, the court shall so find, and appoint three (3) competent persons as commissioners, each of whom shall hold his office until his successor is appointed, as hereinafter provided, to lay out and construct such proposed work. In case the lands to be drained or levied shall be situated in different counties, not more than two (2) of the commissioners shall be chosen from any one of such counties. If the court shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

§ 5a. In any case, or cases, wherein any petition has been filed, or proceedings been had, for the organization of a drainage and levee district since the 20th day of May, A. D., 1907, wherein the petition was signed by one-third, only, of the owners of lands to be affected, who had arrived at lawful age, and who represented a major portion of the lands to be affected, and the court in which such proceedings were had so found and proceeded to appoint commissioners, the proceedings so had and orders thereupon made, if the same be in other respects valid and sufficient, shall be deemed, held and esteemed to all intents valid and sufficient as though this Act had been at the time and times, respectively, in full force and effect.

§ 9. Immediately after their appointment the commissioners shall examine all the land proposed to be drained or protected and the lands over or upon which the work is proposed to be constructed, and determine:

*First*—If drainage and levee work is proposed in the petition, whether the starting point, route and terminus of the proposed work and the proposed location thereof is or are in all respects proper and feasible; and if not, what is or are so.

*Second*—The probable cost of the work mentioned in the petition, including all incidental expenses, and the cost of the proceedings therefor.

*Third*—The probable annual cost of keeping the same in repair after the work is completed.

*Fourth*—What lands will be injured by the proposed work, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of such work.

*Fifth*—What lands will be benefited by the construction of the proposed work, and whether the aggregate amount of benefits will equal or exceed the cost of constructing such work, including all incidental expenses, costs of proceedings and damages.

*Sixth*—Whether the proposed district, as set out in the petition filed, will embrace all the lands that may be damaged or benefited by the proposed work; and if not, to report what additional lands will be so affected.

*Seventh*—In case the prayer of the petition is for the purpose of repairing and maintaining a levee or levees, ditch or ditches, heretofore constructed under any law of this State, it shall be the duty of the commissioners to examine the said levee or levees, ditch or ditches, and the lands intended to be reclaimed thereby, and to report to the court—

First—Whether, in their opinion, said levee or levees, ditch or ditches, can with proper repairs be made sufficient to protect permanently said lands from overflow from high water, or to drain the same.

Second—The probable annual expense of keeping the same in such repair.

Third—What lands will be benefited thereby, and the probable aggregate amount of such benefits.

Fourth—Whether the aggregate annual amount of benefits will equal or exceed the annual costs of such repairs, including all incidental expense and costs of proceeding; and,

Fifth—Whether the proposed district will embrace all the lands that may be benefited by the maintenance of such levee or ditch, or combined system of drainage; and if not, to report what additional lands will be so affected, giving a description and the names of the owners thereof, which report shall be filed with the clerk of said court.

§ 13. After the appointment of the commissioners, as provided for in section nine (9) of this Act, the cause shall be continued by the court to a day for the filing of their report, and in the event said commissioners are not ready to report on the day fixed, they may appear before the court and obtain a continuance or continuances until said report is ready to be filed, but such continuance or continuances shall in such instance be to a day certain, and all persons interested shall take notice of any such continuance or continuances. Upon said report being filed with the clerk of the court appointing such commissioners, the court shall fix a day not less than ten days nor more than four weeks from the filing thereof, for the hearing thereon: *Provided*, that in case the commissioners shall recommend that additional lands be embraced in the proposed district, the owner or owners of such lands shall be given notice by the commissioners, in the manner and for the time provided by section three (3) of this Act, of the hearing on said report. At the time of the hearing all persons may appear and contest the confirmation of said report or show that additional drains, ditches or other work should be constructed, or that the report ought to be modified in any particular, and may offer any competent evidence in support thereof; and the said report of said commissioners shall be *prima facie* evidence of the facts therein set forth.

§ 15. If the report be referred back to the commissioners for amendment, the court shall fix a day when the commissioners shall again present their report, in which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof.

§ 16. If, after hearing all objections, if any, to the report of the commissioners, and all applications, if any, to annex other lands to the proposed district, the court finds that a drainage or levee district should be organized, the plat of the same shall be recorded and an order be made according to the findings of the court, substantially as follows:

County Court of.....county.....term, A. D. 19...  
 - In the matter of the petition of (here insert names of the petitioners), this day the report of.....commissioners heretofore appointed by this court to examine the lands proposed to be drained or protected and the lands over which the work is proposed to be constructed (if additional lands are recommended by the commissioners to be brought into the proposed district, insert here the giving of notice to the owners of such land, as required in section thirteen (13) of this Act), and said report having been set down for hearing in the manner required by law, and the court having duly examined said report and having heard evidence concerning the same, and considered all objections to the same, it is ordered by the court that the report of said commissioners (or, if said report has been modified by the court, as modified by the court) be and the same is hereby confirmed; and the court further finds that the work proposed in said petition to be done will be useful for agriculture, sanitary or mining purposes to the owners of land within said proposed district; and the court also finds that the persons who have signed said petition are of lawful age and are a majority of the adult land owners, representing one-third in area (or one-third of the adult land owners owning a major portion, as the case may be) of the land to be affected by such proposed work. And the court further finds that the said drainage district of the corporate name mentioned in said petition, viz..... bounded as follows....., is duly established as provided by law.

.....County Judge.

And upon entering such order of record, said district is hereby declared by law to be organized as a drainage district by the name mentioned in the petition, and with the boundaries fixed by the order confirming the report of the said commissioners, and said district is hereby declared to be a body politic and corporate, by the name mentioned in said order of court, with the right to sue and be sued, and to have perpetual succession, and may adopt and use the corporate seal; and the commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law.

Said order shall be final, and separate or joint appeals and writs of error may be taken to the Supreme Court by the parties affected thereby: *Provided*, the granting of an appeal or writ of error to one or more persons, or the reversal of said order upon such appeal or writ of error by such person or persons separately or jointly shall not impair nor invalidate said organization as to all other persons not appealing nor suing out such writs, nor shall such appeal or writ of error delay the work

or proceedings so far as it affects the lands of such other persons. Nor shall it be a valid ground of objection on the part of any land owner upon said hearing, or upon an appeal from said order, or upon any writ of error attacking the said order, that any owner of other land has not received sufficient notice of the said proceedings, or that the said order is invalid as to the said owner of other lands; but such other owners and lands may be thereafter brought into and included in the said district, and assessed therein under the provisions of sections fifty-eight (58), sixty (60) and sixty-one (61) of this Act, when such other lands should properly be included in said district.

§ 17. After the order provided for in the foregoing section shall have been signed, the commissioners shall proceed to acquire the right of way and releases of damages for the construction of the proposed work, by agreement with the land owners so far as they may be able to agree with said land owners, and to make out an assessment roll in which shall be set down in proper columns, the names of the owners, when known, a description of the premises affected, in words or figures, or both, as shall be most convenient, the number of acres in each tract, and, if benefits are assessed against the same, the amount of benefits against each tract, and if damages are allowed to, the amount of the same against each tract; they shall also include therein all railroads, public highways and municipal corporations to be affected by the proposed work, and the amount of benefits assessed against, and damages, if any, accruing to the track and right of way of said railways and public highways and roads, and the streets and alleys of such municipal corporations; and they shall also, in cases where the district is not organized for a combined system of drainage independent of levees, make an assessment of the "annual amount" of benefits which each tract will sustain by keeping said levees, ditches or other work in repair, all of which shall be known as the "Commissioners' roll of assessments of benefits and damages."

§ 17a. Upon the filing of the "Commissioners' roll of assessments of benefits and damages," with the clerk of the court, the commissioners shall give ten days notice in the manner provided by section three (3) of this Act, of the time and place when and where they will appear before the same court in which the petition was filed for the purpose of having a jury impaneled in accordance with the provisions of section six (6) of an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and for the hearing before said jury, upon all questions of benefits and damages, to any of the land in said district.

Upon the hearing, the commissioners and all persons interested in the lands to be affected, shall have the same right of challenge of jurors as in other civil cases in the county courts of this State. When said jury is selected they shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessments of benefits or of damages, or damages and

benefits, as the case may be, according to law; and thereupon said commissioners, on behalf of said district, shall present and file as their claim against the several land owners and tracts of land, the assessment roll provided for in section seventeen (17) of this Act, which shall make out a *prima facie* case for the commissioners, and all parties to said proceedings shall be permitted to present to said jury their case in person or by counsel, and offer any competent evidence as to the amount of benefits which any land in said district will receive by reason of said proposed work, or as to the damages to land taken or damaged thereby over which the right of way has not been obtained, and after such evidence shall be presented and argument of counsel heard, the court shall instruct them as to the law and form of their verdict.

§ 17b. And thereupon said jury shall proceed to elect a foreman and a clerk from said jury, and in charge of such foreman shall proceed to examine the lands, railroads, streets, alleys and public highways to be affected by the proposed work, and ascertain, to the best of their ability and judgment, the benefits which will accrue to the lands, railroads, streets, alleys and public highways, to be affected by the said proposed work, and the damages to the lands taken or damaged thereby, over which the right of way for the construction of the said proposed work had not been obtained, and the "annual amount" of benefits which each tract will sustain by keeping said levees, ditches or other work in repair (in cases where the district is not organized for a combined system of drainage independent of levees), and said jury shall make out their verdict in which shall be set down in proper columns the names of the owners, when known, a description of the premises to be affected, in words or figures, or both, as shall be most convenient, the number of acres in each tract and the amount of benefits assessed, if any, and the amount of damages allowed, if any, against each tract, railroad, public highway, or municipal corporation; also, when required by this Act, the amount of "annual benefits," if any, which each tract will sustain by keeping said levees, ditches or other work in repair, and in finding such verdict they shall take into consideration their view of the premises as evidence and consider it with the other testimony offered in the case and allowed by the court, which verdict when so completed, shall produce the total sum of the estimated cost of the proposed work and the proceedings incident to the same, together with the annual amount of benefits which the lands will sustain by keeping said levees, ditches or other work in repair, where required by this Act, and the amount of damages allowed, and said verdict shall then be signed by the jury and filed in the court, and shall be taken and held to be the verdict of the jury upon all questions of benefits and damages, arising in the proceedings; and thereupon the court shall confirm said verdict and enter up judgment upon said verdict, and cause the same to be spread upon the records and such judgment and verdict shall be a lien upon such lands after said judgment, until paid. Appeals and writs of error shall be allowed therefrom as in cases of ap-

peals or writs of error to county courts in proceedings for the sale of lands for taxes or special assessments: *Provided*, that the granting of an appeal in any one or more cases, of one or more persons shall not operate to defer the collection of the judgment in other cases, but the collection in other cases shall proceed as if no appeal had been taken. When said appeals are decided, if the judgment of said county court shall be affirmed, or upon said case being remanded for a new trial, if judgment shall be in favor of said district, the county court shall order the judgment so rendered to be made a part of said judgment not appealed from, and the same shall be collected as if no appeal had been taken.

The court shall continue said cause to a day certain for the report of the verdict of said jury, and if said jury are not ready to file their verdict on the day fixed, said cause may be continued from time to time until they have completed their verdict, and have returned same to the court, and all persons interested shall take notice of the time of filing and making said report by the jury.

The court may cause to be prepared and submit to said jury a form for their said verdict including names of the owners and descriptions of the tracts to be affected, including the railroads, public highways and municipal corporations, with blanks for the said jury to fill with the amounts of benefits and damages as they shall find, and when completed the same may be placed in form by the court in the presence of said jury, or the said jury may be recalled at any time after being discharged to correct any errors or omissions therein.

§ 17½. But in case drainage and levee work is proposed by the petition, the amount assessed for keeping said levee or ditch in repair, shall not in the aggregate amount to a sum, in any one year, greater than would be produced by thirty cents per acre on all the lands within said district: *Provided*, that should said district erect and maintain one or more pumping plants, an assessment of annual benefits may be made as provided in section one (1) of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard thereto, on account of, or with a view to the erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907.

In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment of benefits to repair and keep in repair said levee or ditch the commissioners shall cause to be made an assessment of benefits which said lands will sustain by repairing said levee or ditches, and also the "annual amounts" of benefits which said lands will sustain by keeping said levee or ditch in repair thereafter; and such assessment of benefits shall be made in the manner provided by sections seventeen (17), seventeen a (17a), and

seventeen b (17b) of this Act; and in such case no other or different assessment shall be made, but in all other respects the commissioners shall comply with the provisions of this Act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assessments of benefits to repair said levees, ditches or drains heretofore constructed under any law of this State are insufficient to complete the ditches, drains or levees embraced in the proceedings, the "annual amount of benefits" assessed to keep said levee or ditch in repair, making all necessary repairs for any year, may be applied to complete the ditches, drains or levees embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains or levees, when required to protect the lands embraced in the drainage and levee districts organized under this Act, from inundation and overflow, and in paying interest on any other notes or bonds issued under this Act.

§ 18. In making such assessment, the jury shall award and assess the damages and benefits in favor of and against each tract separately, in the proportion in which such tract of land will be damaged or benefited, and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the jury, and when directed, by the commissioners, or the court impaneling a jury for making any additional assessment of damages and benefits, or benefits, or for the purpose of making assessments in favor of, or against any one or more tracts, as the case may be, in any district, such jury may consider any prior assessment or assessments, against any lands, which are void and unpaid, by reason of some omission, clerical error, mistake, or for want of proper notice to the owner thereof, or on account of other irregularity of proceedings not affecting the merits of such prior assessments, and may include the same or any part thereof with such other assessments.

§ 26½. In case where a levee or ditch has been heretofore built under any law of this State, or may hereafter be built under the provisions of this Act, the annual amount of benefits for keeping the same in repair shall be due and payable on the 1st day of September annually, and shall be a lien on the lands upon which said assessments are made, from and after the confirmation of the report. The court in which such proceedings are had shall require from said commissioners a report of the condition of the levee or ditch, at its July term of each year, together with their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced.



in the drainage and levee districts organized under this Act, from inundation and overflow; and if the court shall find that a less amount will be required for such ensuing year than the whole amount of the assessment for that year, then the court shall by an order fix the amount to be paid for such year, and only that amount shall be collected, and the excess of such assessment over and above the amount so fixed by said order for said year shall be remitted by law, and shall not thereafter be collected: *Provided*, that the amount to be collected under the order of said court shall not, in the aggregate, amount in any one year, to a sum greater than would be produced by a levy of thirty cents per acre on all the lands within said district; except as provided by an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to the erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907: *Provided, further*, that in all cases where the ditches, drains or levees constructed or repaired under this Act, are in danger of being impaired, injured, broken or destroyed by overflow or otherwise, and a part of the annual amount of benefits for protection and keeping the same in repair for the year in which said ditches, drains or levees are so threatened has been remitted by order of the court as herein provided, or when the annual amount of benefits for protecting and keeping the same in repair for any year is insufficient, the commissioners of drainage and levee districts, organized under this Act, may borrow money on the annual amount of benefits becoming due the first day of September, following the time when said ditches, drains or levees are so threatened, to the extent of two-thirds of said annual amount of benefits and may secure the same by the notes or bonds of the drainage and levee districts bearing interest at the rate of six per cent per annum, and not running beyond one year from the date of issue, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the annual amount of benefits falling due thereafter for the repayment of the principal and interest thereof: *Provided*, that the report of the commissioners as to the condition of the levee or ditch and their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees, embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees, when required to protect the lands embraced in the drainage districts, when the proceeding is before a justice of the peace, shall be made on the first Monday in July, in each year. But this section shall not apply to districts organized for the purpose of establishing a combined system of drainage independent of levees.

§ 37. Said commissioners may use money arising from the collection of assessments or coming into their hands, as such commissioners, for the purpose of compromising suits and controversies arising under this Act, and in the employment of all necessary agents and attorneys, in organizing said district, and for conducting other proceedings, in law or in equity, for the same, and for the purpose of constructing or repairing or maintaining any ditch, ditches, drains, levee or levees within said district, or outside of said district, necessary to the protection of the lands and complete drainage of the same within said district: *Provided*, that the commissioners shall use such money under the direction or approval of the court; and assessments from time to time may be levied on the land within any district when it shall appear to the court that the previous assessment or assessments have been expended or are inadequate to complete such work, or are necessary for maintenance or repair, or when it shall become necessary for the construction of additional work, or the completion of any work already commenced within any drainage district to insure the protection or drainage of the lands in said district, under the direction and order of the court, or to pay obligations incurred for the current expenses of said district or in the keeping in repair and protection of the work of such district, on a petition of a majority of the land owners within said district who are of lawful age and represent at least one-third in area of such lands, or on the petition of the commissioners, accompanied by an itemized statement of accounts made by the commissioners under oath, showing the moneys received by the district and the manner in which they have been expended, together with the plats and profiles of such additional work and estimated cost of the same; two weeks previous notice of the time set for the hearing of said petition in the manner required by section three (3) of this Act having been given. Upon the hearing of such petition the court may grant the prayer of the same, and cause the jury to be impaneled to make said assessment with like proceedings and notice as near as may be as in cases of original assessments of damages and benefits under this Act, and such additional assessment or assessments, when made, shall have the same force and effect and be collected in the same manner as original assessments.

§ 42. The commissioners shall hold all their meetings for the transaction of business at any place in the county or counties in which said district is located, and shall receive for their services the sum of three dollars per day, and their necessary traveling expenses for each day they shall be actually engaged in the business of their office: *Provided*, that in districts having an area of more than seventy-five thousand acres the commissioners shall receive four dollars per day for each day actually engaged in their official duties, together with their necessary traveling expenses. The commissioners shall present an itemized account, under oath, to the county court, of the amounts due them respectively, which amounts shall be audited at least once a year by said

county court, and certified by said court to their treasurer, to be paid by him on said certificate. But such itemized account or accounts shall be subject to the approval of the court as provided by section forty-one (41) of this Act. The clerk of the county court shall receive for his services hereunder, such fees as are allowed by law for similar services in said county court.

§ 55. When a ditch, drain or levee, or other work established or repaired, or a combined system of drainage is located by the report of the commissioners, confirmed by the court or justice of the peace under this Act, drains or levees or proposes to drain or levee, either in whole or in part, any public or corporate road or railroad, or the streets and alleys of any municipal corporation, so as to benefit any of such roads, so that the roadbed or traveled tract or other property of such road will be improved by the construction of such ditch, drain or levee, the commissioners shall apportion to the county, State, or free turnpike road, to the township, if a township road, to the company, if a corporate road or railroad, or to the municipal corporation in the case of streets and alleys, such proportion of the cost and expenses thereof as to private individuals, and shall include such apportionment in said "commissioners' roll of assessments of benefits and damages," and give to the corporate authorities so benefited, or, in case they are damaged, to the said corporate authorities so damaged, or benefited and damaged, as the case may be, the same notice and at the same time as shall be given to private individuals; and the matter of the amount of such assessments of benefits and damages if not agreed upon, shall be submitted to a trial by the same jury in the same manner as the benefits and damages to accrue to private individuals; and the said jury shall view and examine such road, railroad, streets and alleys, and shall proceed to assess the damages and benefits in like manner as to the lands of individuals, and no other or different notice shall be required to be given: *Provided*, that when the commissioners and the corporate authorities of the county, State or free turnpike, township road, corporate road, or railroad, or municipal corporation, or any of them agree as to the amount that they or any of them should contribute, that the amount so agreed on shall be reported to the said jury when they meet to correct their assessment roll, and the amount so agreed upon shall be incorporated into said assessment roll when amended by said jury or commissioners: *And, provided, further*, that the amount so assessed against any railroad company or private corporation shall, upon the confirmation of the assessment roll by the county court, become a lien upon the real property of such railroad company or private corporation, and have the same force and effect as a judgment at law in favor of such district against such railroad company or private corporation, and execution may issue thereon as upon judgments in courts of record in other cases, and shall have a like lien upon personal estate. In case such assessment is made against any township in this State the commissioners of highways of

such town shall cause the same to be levied and paid to said district in the manner provided by sections 13, 14, 15 and 16 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, or in such manner as may now or hereafter be provided by law: *And, provided, further,* that the sum assessed against either of said corporations shall not include the expenses of constructing, erecting or repairing any bridge, embankment or grade, culvert or other work of the roads of such corporations, crossing any ditch or drain, constructed on the line of any natural depression, channel or watercourse; but the corporate authorities of such road or railroad are hereby required, at their own expense, to construct such bridge, culvert or other work, or to replace any bridge or culvert temporarily removed by the commissioners in doing the work of such district. Full power and authority is hereby given the drainage commissioners to remove such bridges or culverts for the purposes aforesaid, if they, in their judgment, find it necessary.

§ 59. If, after an assessment of lands throughout the district has been made, for the purpose of constructing drains, or ditches, or enlarging or repairing the main drains or ditches of said district, according to the profiles, plats and specifications of the commissioners, as reported and confirmed, there remain lands in particular localities in said district, which are in need of more minute and complete drainage, and it shall appear to the commissioners, on application of some owner or owners of land in the district, that in their judgment additional ditches, drains, outlets or other work are needed, in order to afford more complete drainage, and in all cases where upon written application to the commissioners, signed by a majority in number of the adult land owners in such locality owning in the aggregate more than one-third of the land affected, or by the adult land owners of a major part of the land in such locality who constitute one-third or more of the owners of the land affected, it shall appear that additional ditches, drains, outlets or other work are necessary in order to afford more complete drainage to such locality, it shall be the duty of such commissioners to examine such lands, and lay off and make plans, profiles and specifications of such additional work, and an estimate of the costs of the same and make a special report thereof, which special report shall describe all of the lands which will be either benefited or damaged by such additional work, together with the names of the owners, when known; such report being filed with the clerk of the county court, the commissioners shall give to all persons whose lands will be either benefited or damaged, whether they signed an application for additional work or not, three weeks notice of the filing and hearing of such report in the manner required by section three (3) of this Act; said notice shall state that the commissioners will appear before the county court at a day mentioned in said notice, and ask said court for a confirmation of such

special report; and upon said hearing the court shall pass upon the sufficiency of the application, together with all other matters contained in said report, and upon confirmation thereof by the court, a special assessment of benefits and damages shall be made upon all of the lands benefited or damaged by the proposed work, in the manner provided for the making of original assessments of benefits and damages by this Act; and like proceedings shall be had therein as in other cases of assessment of benefits and damages, provided by this Act.

The affidavit of any of the commissioners, or any other creditable person, of the posting and mailing thereof affixed to a copy of said notice shall be sufficient evidence of the posting and mailing of said notices, and the certificate of the publisher of the newspaper in which the said notice was published, shall be sufficient evidence of the publication of such notice.

Upon confirmation of said special report by the court, it shall be the duty of the court to declare all the lands found to be affected by the work proposed by said special report, to be organized into a sub-district, and all assessments received and collected in such sub-district, for the work of such sub-district, shall be kept as a separate fund belonging to such sub-district, and said commissioners shall have the power if necessary to issue bonds against any assessment or assessments in said sub-district in the same manner as bonds are issued in original districts.

Any lands lying outside of any sub-district as organized, the owner or owners of which shall thereafter make connection with any ditch or drain within any sub-district, or whose lands are or will be benefited by the work of such sub-district, shall be deemed to have made voluntary application to be included in such sub-district, and thereupon the commissioners shall make complaint as provided in section fifty-eight (58) of this Act as to lands lying outside of a drainage district as organized, and like proceedings shall be had thereon as in cases of complaints made under said section fifty-eight (58).

§ 2. And be it further enacted that sections nineteen (19), twenty (20), twenty-one (21), and twenty-two (22), of the said Act of which this is an amendment, be and the same are hereby repealed; saving and reserving, however, any rights that may have heretofore accrued thereunder.

§ 3. WHEREAS, Owing to the uncertain and unsettled condition of the laws of this State, on the subject of assessing benefits and damages, either by jury or by the commissioners, an emergency exists, therefore this Act shall be in force from and after its passage.

APPROVED May 29, 1909.

## SANITARY DISTRICTS—LIMITATION OF INDEBTEDNESS.

§ 1. Amends section 9, Act of 1889.

§ 9. Aggregate indebtedness limited to three per cent.

(HOUSE BILL NO. 600. APPROVED JUNE 14, 1909.)

AN ACT to amend section 9 of "An Act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905, as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 9 of an Act entitled, "An Act to create sanitary districts and remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905, as amended by an Act approved May 25, 1907, in force July 1, 1907, be amended so as to read as hereinafter set forth:

§ 9. The corporation may borrow money for corporate purposes, and may issue bonds therefor, but shall not become indebted in any manner, or for any purpose to an amount in the aggregate to exceed three (3) per centum of the valuation of taxable property therein, to be ascertained by the last assessment for State and county taxes previous to incurring of such indebtedness.

APPROVED June 14, 1909.

## SANITARY DISTRICTS IN CERTAIN LOCALITIES—ELECTIONS LEGALIZED.

§ 1. Organization of certain districts legalized.

§ 3. Emergency.

§ 2. Election of certain trustees legalized.

(HOUSE BILL NO. 215. APPROVED MAY 7, 1909.)

AN ACT to legalize the organization of sanitary districts, and the election of trustees held within and for the same, where such districts have been organized in pursuance of "An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes," approved May 17, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever in any territory an election has been held to organize and incorporate such territory as a sanitary district under and by virtue of an Act of the General Assembly of the State of Illinois entitled, "An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes," approved May 17, 1907, in force July 1, 1907,

and where a part of the territory comprising said proposed district at the time of said election was situated within the corporate limits of a city, village or incorporated town in this State which had theretofore adopted the provisions of an Act of the General Assembly of the State of Illinois entitled, "An Act to amend an Act entitled, 'An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,' approved June 19, 1885, in force July 1, 1885," as amended by an Act approved June 18, 1891, in force July 1, 1891, as amended by an Act approved April 24, 1899, in force July 1, 1899, known as the "City Election Law;" and when the proceedings and election for the organization of such sanitary district have been held under the direction, supervision and orders of the county judge of the county wherein such city, village or incorporated town is located and commissioners appointed by such county judge in compliance with sections 1, 2 and 3 of said first above mentioned Act; and where said election was not held under and in pursuance of "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, known as the "Australian Ballot Law;" and where said election within that part of said sanitary district lying within any such city, village or incorporated town that had theretofore adopted the provisions of the said Act known as the "City Election Law" hereinabove mentioned, was not held in compliance with said Act known as the "City Election Law" nor under the direction and supervision of the election commissioners of said city, village or incorporated town; then, and in such case said elections are hereby declared to have been duly and legally held and all such sanitary districts so organized are hereby held and declared to be duly and legally organized. And all the acts of any such sanitary districts, if otherwise legal, are hereby made and declared to be legal, binding and of full force and effect.

§ 2. That whenever any such sanitary district has held an election for its first board of trustees, a part of which said district at the time of the election of said trustees was situated within the corporate limits of a city, village or incorporated town which had theretofore adopted the provisions of said Act known as the "City Election Law," and said election of such first board of trustees has been held under the order, direction and supervision of the county judge in compliance with section [s] 4 and 5 of said first above mentioned Act, approved May 17, 1907, in force July 1, 1907, and where such election was not held under and in pursuance of said Act known as the "Australian Ballot Law;" and where such election within that part of said sanitary district lying within any such city, village or incorporated town that had theretofore adopted the provisions of said Act known as the "City Election Law" was not held in compliance with the said Act known as the "City Election Law" nor under the direction and supervision of the election commissioners of said city, village or incorporated town; then, and in such case said elections are hereby held and declared to have been duly and

legally held, and all trustees elected at such elections are hereby declared to have been duly and legally elected. And all the acts and proceedings of such trustees, if otherwise legal, are hereby made and declared to be legal, binding and of full force and effect.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in full force and effect from and after its passage and approval.

APPROVED May 7, 1909.

## ELECTIONS.

### CITY ELECTIONS—SALARIES OF ELECTION COMMISSIONERS AND CLERKS.

§ 1. Amends section 1, Act of 1885.

§ 1. As amended, increases salaries of election commissioners and clerks.

(HOUSE BILL NO. 607. APPROVED JUNE 10, 1909.)

AN ACT to amend section 1 of article VII of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 17, 1895, in force July 1, 1895, as amended by an Act approved June 9, 1897, in force July 1, 1897, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 1 of article VII of an Act entitled, "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 17, 1895, in force July 1, 1895, as amended by an Act approved June 9, 1897, in force July 1, 1897, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved May 25, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

§ 1. Such election commissioners and the chief clerk and the assistant chief clerk of the board of election commissioners shall be paid by the county, and for the purpose of fixing their fees and compensation, the several counties of this State are divided into three <sup>(3)</sup> classes, as they are now classified by law as to fees and salaries. In counties of the first class said election commissioners shall receive a salary of five hundred dollars (\$500), and said chief clerk a salary of four hundred dollars (\$400) per annum. In counties of the second class said election commissioners shall receive a salary of one thousand dollars (\$1,000.00) per annum and such chief clerk shall receive a salary of not less than



one thousand five hundred dollars (\$1,500.00), nor more than two thousand four hundred dollars (\$2,400.00) per annum, and also in counties of the second class there may be employed one assistant chief clerk who shall receive a salary of not less than one thousand dollars (\$1,000.00), nor more than one thousand five hundred dollars (\$1,500.00) per annum. It shall be the duty of the board of election commissioners in counties of the second class to fix the salary of the chief clerk and assistant chief clerk at the time of appointment of said clerks, not to exceed the amounts herein mentioned. In counties of the third class, to-wit: In Cook county, such election commissioners shall receive a salary of four thousand dollars (\$4,000), and such chief clerk, a salary of five thousand dollars (\$5,000) per annum, and also in counties of the third class, to-wit: Cook county, there may be employed one assistant chief clerk, who shall receive a salary of three thousand dollars, (\$3,000.00) per annum. All expenses incurred by such board of election commissioners shall be paid by such city. Such salaries and expenditures are to be audited by the county judges, and such salaries shall be paid by the county treasurer, upon the warrant of such county judge, of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer, upon the warrant of such county judge, out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenditures, as the case may be.

APPROVED June 10, 1909.

## EMPLOYMENT.

### BUREAU OF LABOR STATISTICS—REVISION.

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| § 1. Board of commissioners of labor<br>—appointment — organization<br>—secretary. | § 3. Compensation.<br><br>§ 4. Repeal. |
| § 2. Duties.   |  |

(SENATE BILL NO. 456. APPROVED JUNE 10, 1909.)

*AN ACT to create a bureau of labor statistics and statistical details of manufacturing industries and commerce of the State, and to provide for a board of commissioners and secretary, and repealing certain Acts therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be the duty of the Governor, with the advice of the Senate, to appoint a board of commissioners of labor, to consist of five members, who shall hold office for two years, three of whom shall be manual laborers, the remaining members of the commission shall be manufacturers or employers of labor in some productive industry, and they shall meet annually on the first Monday in September, at the State Capitol, when they shall organize by elect-

ing a president from themselves and appointing a secretary, who shall hold office for a term of two years or until his successor is appointed; the said secretary to have no voice in the deliberations of said board nor to be selected from said commissioners.

§ 2. The duties of such board shall be to collect, assort, systemize and present in biennial report to the General Assembly statistical details relating to all departments of labor in the State, especially in its relation to the commercial, industrial, social, educational and sanitary conditions of the laboring classes and to the permanent prosperity of the mechanical, manufacturing and productive industries of the State; and also statistical details of the manufacturing industries and commerce of the State, setting forth such details as the local character of the industry, capital, total output, number of people employed and such other details as will give a total presentation of the industrial and commercial condition and progress of the State: *Provided*, that in no case shall the statistics thus published be so arranged as to reveal the affairs of any single industrial or commercial concern.

It shall be the duty of every employer of labor in this State to afford to the State Commissioners of Labor, or their representatives, every facility for procuring statistics of the wages and conditions of their employés for the purpose of compiling and publishing statistics of labor and of social and industrial conditions and statistical details of manufacturing industries and commerce within the State as required by law. Any person who shall hinder or obstruct the investigations of the agents of the commissioners or shall neglect or refuse, for a period of ten days, to furnish the information called for by the schedules of the commissioners as provided above, shall be adjudged guilty of a misdemeanor and be subjected to a fine of one hundred dollars (\$100).

§ 3. The compensation of said commissioners shall be five dollars per day for thirty (30 days of each annual session, and the compensation of said secretary shall be twenty-five hundred dollars (\$2,500) per annum. The amount accruing to said commissioners to be paid to them at the expiration of their said annual session of thirty days, and the Auditor of Public Accounts being hereby authorized to issue his warrant on the treasury in their favor for the amount specified in this section, and the secretary shall be paid quarterly in the same manner. The Auditor is further directed and authorized to draw his warrant for the actual traveling, incidental and office expenses of said commissioners and their secretary, on their vouchers sworn to by them and approved by the president of the board and the Governor.

§ 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

APPROVED June 10, 1909.

## FREE EMPLOYMENT OFFICES AND AGENCIES.

§ 1. Amends section 12, Act of 1903.

§ 12. Custodian of fee and fund—bond — vouchers, etc.

(HOUSE BILL No. 162. APPROVED JUNE 5, 1909.)

AN ACT to amend section 12 of "An Act relating to employment offices and agencies," approved and in force May 11, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 12 of "An Act relating to employment offices and agencies," approved and in force May 11, 1903, be and the same is hereby amended so as to read as follows:

§ 12. All money or moneys received from fees and fines shall be held by the said commissioners of labor, and shall constitute a fund for the purpose of enforcing the provisions of this Act; the secretary of the Commissioners of Labor shall act as custodian of the fee and fine fund and shall execute a bond to the People of the State of Illinois with good and sufficient securities, in a sum to be fixed by the Commissioners of Labor conditioned upon the faithful performance of his duties. The bond shall be approved by the Governor and then filed with the Secretary of State. All expenditures from the fee fund or any other fund under the control of the commissioners of labor shall be paid on itemized vouchers certified to by the president of the commissioners of labor and approved by the Governor of the State of Illinois, and the said commissioners shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this Act.

APPROVED June 5, 1909.

## HAZARDOUS MACHINERY, ETC.—SAFEGUARDS.

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| <p>§ 1. What enclosed, fenced or guarded—use or repair of defective mechanism.</p> <p>§ 2. Removing and replacing safeguards.</p> <p>§ 3. Disconnecting power.</p> <p>§ 4. Hoistways, elevator wells and wheel holes—safety devices.</p> <p>§ 5. Unsafe conditions — notice—to remedy.</p> <p>§ 6. Tampering with machine or appliance.</p> <p>§ 7. Traversing carriage—space limited.</p> <p>§ 8. Food prohibited in certain rooms, etc.</p> <p>§ 9. Seats for female employes.</p> <p>§ 10. Equable temperature.</p> <p>§ 11. Air space—temperature—ventilation—terms interpreted.</p> <p>§ 12. Ventilating and exhaust devices.</p> <p>§ 13. Disposition of refuse, etc., drainage.</p> <p>§ 14. Means of egress.</p> <p>§ 15. Doors—how constructed.</p> | <p>§ 16. Stairways—how constructed.</p> <p>§ 17. Lights—where and when necessary.</p> <p>§ 18. Overloaded floor space, etc.</p> <p>§ 19. Passageways.</p> <p>§ 20. Water closets — number—location—ventilation.</p> <p>§ 21. Washing facilities—dress rooms.</p> <p>§ 22. Duties of proprietor, owner, etc.</p> <p>§ 23. Alterations and additions—notice by State Factory Inspector.</p> <p>§ 24. Report of accidents and injuries.</p> <p>§ 25. Duties of factory inspector.</p> <p>§ 26. Penalties.</p> <p>§ 27. Municipal inspection.</p> <p>§ 28. Establishments operated by federal government exempted.</p> <p>§ 29. Terms defined.</p> <p>§ 30. Printed copies of Act.</p> <p>§ 31. Notice covering salient features of Act.</p> <p>§ 32. In force January 1, 1910.</p> |
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(SENATE BILL NO. 385. APPROVED JUNE 4, 1909.)

AN ACT to provide for the health, safety and comfort of employes in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all power driven machinery, including all saws, planers, wood shapers, jointers, sand paper machines, iron mangles, emery wheels, ovens, furnaces, forges and rollers of metal; all projecting set screws on moving parts; all drums, cogs, gearing, belting, shafting, tables, fly wheels, flying shuttles and hydro-extractors; all laundry machinery, mill gearing and machinery of every description; all systems of electrical wiring or transmission; all dynamos and other electrical apparatus and appliances; all vats or pans, and all receptacles containing molten metal or hot or corrosive fluids in any factory, mercantile establishment, mill or workshop, shall be so located wherever possible, as not to be dangerous to employes or shall be properly enclosed, fenced or otherwise protected. All dangerous places in or about mercantile establishments, factories, mills or workshops, near to which any employe is obliged to pass, or to be employed shall, where practicable, be properly enclosed, fenced or otherwise guarded. No machine in any factory, mercantile establishment, mill or workshop,

shall be used when the same is known to be dangerously defective, and no repairs shall be made to the active mechanism or operative part of any machine when the machine is in motion.

§ 2. No person shall remove or make ineffective any safeguard required by this Act, during the active use or operation of the guarded machine or device, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced.

§ 3. In every factory, mercantile establishment, mill or workshop, effective means shall be provided for immediately disconnecting the power, so that in case of need or accident, any particular machine, group of machines, room or department, can be promptly and effectively shut down.

a. Where machines require to be started and stopped frequently, they shall, wherever practicable, be provided with tight and loose pulleys, clutch or other effective disengaging device. When provided with tight and loose pulleys, the shifting of the belt shall be accomplished by the use of a belt shifter, placed within easy reach of the operator. When a clutch, or other disengaging device is used, an effective means for throwing such device into or out of engagement shall be provided, and shall be placed within easy reach of the operator.

b. Where machines are direct connected with the prime mover, (electric motor, steam, gas or gasoline engine, or other source of power), a switch, throttle, or other power controlling device shall be furnished and shall be placed within easy reach of the operator, or his co-worker.

c. Where machines are arranged in groups, rooms or departments, and power is supplied by a prime mover, located within the confines of such group, room or department, a switch, throttle, or other power controlling device shall be furnished, and shall be placed within easy reach of the operators affected, so that all shafting, transmitting machinery and machines of such group, room or department, can be simultaneously shut down.

d. Where machines are arranged in groups, rooms or departments, and are supplied by power through the use of main or line shafts, receiving power from some prime mover, located without the group, room or department, the power receiving wheel of such main or line shaft, shall, wherever possible, be provided with a friction clutch, or other effective power disengaging device, with suitable means for operating the clutch, or power disengaging device, and these means shall be placed within the confines of such group, room or department, and within easy reach of the employes or operatives affected, so that all machines, shafting and other transmission machinery within such group, room or department, can be simultaneously shut down. In addition to such safeguard, communication, consisting of speaking tubes, electric bells, electric colored lights, or other approved and effective means, shall be provided in all cases covered by this paragraph between each such group, room or department, and the room in which the engineer, or prime-

mover, is located, so that in case of need or accident, the motive power of such group, room or department can be promptly stopped or controlled.

§ 4. All hoist ways, hatch ways, elevator wells and wheel holes in factories, mercantile establishments, mills or workshops, shall be securely fenced, inclosed or otherwise safely protected, and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, in order that the said hatch ways, elevators or hoisting apparatus may be used. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some device, whereby the car or cab may be held in the event of accident to the shipper rope or hoisting machinery or controlling apparatus.

§ 5. If any elevator, machine, electrical apparatus or system of wiring, or any part or parts thereof, in any factory, mercantile establishment, mill or workshop, are in an unsafe condition, or are not properly guarded, where reasonable to guard the same, the owner or lessee, or his agent, superintendent or other person in charge thereof, shall, upon notice from the Chief State Factory Inspector, or the Assistant Chief State Factory Inspector, remedy such unsafe condition within a reasonable time after receiving such notice.

§ 6. No employé of any factory, mercantile establishment, mill or workshop, shall operate or tamper with any machine or appliance with which such employé is not familiar and which is in no way connected with the regular and reasonable necessary duties of his employment, unless it be by and with the direct or reasonably implied command, request, or direction of the master or representative or agent.

§ 7. The traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen (18) inches from any fixed structure, not being part of the machine, if the space over which it runs out is a space through which any employé is liable to pass, whether in the course of his employment or otherwise.

§ 8. No employé shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill or workshop, where white lead, arsenic or other poisonous substances or injurious or noxious fumes, dusts or gases under harmful conditions are present, as the result of the business conducted by such factories, mercantile establishments, mills or workshops, and notice to this effect shall be posted in each room or apartment. Employés shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer, when practicable, for enabling the employés to take their meals elsewhere in such establishment: *Provided, however,* that this section shall not apply to such employés whose presence during meal hours may be necessary for the proper conduct of such business.

§ 9. That every person, firm or corporation employing females in any factory, mercantile establishment, mill or workshop in this State, shall provide a reasonable number of suitable seats for the use of such

female employé [s], and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employés, and where practicable, such seats shall be made a permanent fixture and may be so constructed or adjusted that when said seats are not in use, they will not obstruct such female employé, when engaged in the performance of her duties.

§ 10. In every factory, mercantile establishment, mill or workshop, where one or more persons are employed, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, equable temperature, consistent with the reasonable requirements of the manufacturing process. No unnecessary humidity which would jeopardize the health of employés shall be permitted.

§ 11. In every room or apartment of any factory, mercantile establishment, mill or workshop, where one or more persons are employed, at least 500 cubic feet of air space shall be provided for each and every person employed therein, and fresh air, to the amount specified in this Act, shall be supplied in such a manner as not to create injurious drafts, nor cause the temperature of any such room or apartment to fall materially below the average temperature maintained: *Provided*, where lights are used which do not consume oxygen, 250 cubic feet of air space shall be deemed sufficient. All rooms or apartments of any factory, mercantile establishment, mill or workshop, having at least 2,000 cubic feet of air space for each and every person employed in each room or apartment, and having outside windows and doors whose area is at least one-eighth of the total floor area, shall not be required to have artificial means of ventilation; but all such rooms or apartments shall be properly aired before beginning work for the day and during the meal hours. All such rooms, or apartments, having less than 2,000 cubic feet of air space, but more than 500 cubic feet of air space, for each and every person employed therein, and which have outside windows, and doors whose area is at least one-eighth of the floor area, shall be provided with artificial means of ventilation, which shall be in operation when the outside temperature requires the windows to be kept closed, and which shall supply during each working hour at least 1,500 cubic feet of fresh air for each and every person employed therein. All such rooms or apartments, having less than 500 cubic feet of air space for each and every person employed therein, all rooms or apartments having no outside windows or doors, and all rooms or apartments having less than 2,000 cubic feet of air space for each and every person employed therein, and in which the outside window and door area is less than one-eighth of the floor area, shall be provided with artificial means of ventilation, which will supply during each working hour throughout the year, at least 1,800 cubic feet of fresh air for each and every person employed therein: *Provided*, that the provisions of the preceding portions of this section shall not apply to storage rooms or vaults: *And*,

*provided, further,* that the preceding portions of this section shall not apply to those rooms or apartments in which manufacturing processes are carried on which from their peculiar nature would be materially interfered with by the provisions of this section. No part of the fresh air supply required by this section shall be taken from any cellar or basement.

The following terms of this section shall be interpreted to mean: The air space available for each person is the total interior volume of a room, expressed in cubic feet, without any deductions for machinery contained therein, divided by the average number of persons employed therein.

Outside windows and doors are those connecting directly with the outside air; the window and door area is the total area of the windows and doors of all outside openings; and the floor area is the total floor area of each room.

§ 12. All factories, mercantile establishments, mills or workshops shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises. All poisonous or noxious fumes or gases arising from any process, and all dust of a character injurious to the health of the persons employed, which is created in the course of a manufacturing process, within such factory, mill or workshop, shall be removed, as far as practicable, by either ventilating or exhaust devices.

§ 13. All decomposed, fetid or putrescent matter, and all refuse, waste and sweepings of any factory, mercantile establishment, mill or workshop, shall be removed and disposed of, at least once each day, and in such a manner as not to cause a nuisance; and all cleaning shall be done, as far as possible, outside of working hours; but if done during working hours, shall be done in such a manner as to avoid the unnecessary raising of dust or noxious odors. In every factory, mill or workshop, in which any process is carried on which makes the floors wet, the floor shall be constructed and maintained with due regard to the health of employes, and gratings or dry standing rooms shall be provided if practicable, at points where employes are regularly stationed, and adequate means shall be provided for drainage, and for preventing seepage or leakage to the floors below.

§ 14. In all factories, mercantile establishments, mills or workshops, sufficient and reasonable means of escape in case of fire shall be provided, by more than one means of egress, and such means of escape shall at all times be kept free from any obstruction and shall be kept in good repair and ready for use, and shall be plainly marked as such.

§ 15. All doors used by employes as entrances to or exits from any factory, mercantile establishment, mill or workshop, of a height of two stories or over, shall open outward, slide or roll, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergency.



§ 16. Proper and substantial hand rails shall be provided on all stairways in factories, mercantile establishment, mills or workshops, and the treads on all stairways shall be so constructed as to furnish a firm and safe foothold.

§ 17. In all factories, mercantile establishments, mills or workshops, a proper light shall be kept burning by the owner or lessee in all main passageways, main hallways, at all main stairs, main stair landings and shafts, and in front of all passenger or freight elevators, upon the entrance floors and upon the other floors, on every work day of the year, from the time that the building is opened for use until the time when it is closed, except at times when the influx of natural light shall make artificial light unnecessary: *Provided*, that when two or more tenants occupy different floors in one building, such elevator shafts need be lighted only on the floors occupied and used by employes.

§ 18. No floor space or any work room in any factory, mercantile establishment, mill or workshop, shall be so overloaded with machinery or other material as thereby to cause serious risk to or endanger the life or limb of any employé, nor shall there be permitted in any such establishment a load in excess of the safe sustaining power of the floors and walls thereof.

§ 19. In all factories, mercantile establishments, mills or workshops, machines must not be placed so closely together as to be a serious menace to those that have to pass between them. Passageways must be of ample width [width] and head room and must be kept well lighted and free from obstructions.

§ 20. Every factory, mercantile establishment, mill or workshop shall be provided with a sufficient number of water closets, earth closets or privies, within reasonable access of the persons employed therein, and such water closets, earth closets or privies shall be supplied in the proportion of at least one (1) to every thirty (30) male persons and one (1) to every twenty-five (25) female persons; and whenever both male and female persons are employed, said water closets and privies shall be provided separate and apart for the use of each sex, and plainly marked by which sex they are to be used; and no person or persons shall be allowed to use the closets or privies assigned to the opposite sex; and such water closets or privies shall be constructed in an approved manner and properly enclosed, and at all times kept in a clean and sanitary condition. The closets or privies, where practicable, shall be located so that they shall have direct ventilation with the outside air; where it is impracticable to locate the closet [s] or privies so as to have direct ventilation with the outside air, they shall be placed in an enclosure, and every such closet or privy, shall be properly and effectively disinfected and separately ventilated, and shall be properly lighted by artificial light, except when the influx of natural light makes artificial light unnecessary: *Provided*, that nothing in this section shall be construed to prevent any

city, town or village, by appropriate ordinance or regulation, from prohibiting the construction, use or maintenance in such city, town or village, of any kind of earth closets, or privies, which may be considered a nuisance or detrimental to the public health.

§ 21. In all factories, mercantile establishments, mills or workshops, adequate washing facilities shall be provided for the employés, where necessary, and in such case in all factories, mills and workshops not less than one spigot, basin or receptacle shall be provided for each thirty (30) employés, and in mercantile establishments, not less than one spigot, basin or receptacle shall be provided for each fifty (50) employés. Where the labor performed by the employé is of such a character as to make customary or necessary a change of clothing by the employés, there shall be provided sanitary and suitable dressing room or rooms, and both such dressing rooms and washing facilities shall be separately maintained for each sex; *provided*, that nothing in this Act shall be construed as abrogating or repealing any provision of section 5 of an Act entitled, "An Act to provide for the licensing of plumbers, and to supervise and inspect plumbing," approved June 10, 1897, and in force July 1, 1897, or the provisions of any local ordinance or regulation of any city, town or village, requiring approved and sufficient methods of sanitation, light, heat, drainage or ventilation of an equal or superior standard to that required in this Act.

§ 22. It shall be the duty of every person, firm or corporation to which the provisions of this Act may apply, to carry out the same, and make all the changes and additions necessary therefor, and in every way to comply with all the provisions of this Act, and it shall be the duty of the owner of the building in which is located any such factory, mercantile establishment, mill or workshop, to permit any alterations or additions to such building as may be necessary to comply with the provisions of this Act.

§ 23. Whenever, by the provisions of this Act, it is made the duty of any person, firm or corporation within this State, to make or install any alterations, additions or changes, the same shall be made and installed in conformity with the provisions of this Act, and completed within a reasonable time after notification by the Chief State Factory Inspector or his deputy.

§ 24. It shall be the duty of the owner or lessee, or superintendent or person in charge of any factory, mercantile establishment, mill or workshop in this State, to send to the Chief State Factory Inspector, in writing, an immediate report of all accidents or injuries resulting in death. It shall also be the duty of the person in charge of such factory, mercantile establishment, mill or workshop, to report between the 15th and 25th of each month, all accidents or injuries occurring during the previous calendar month, which entailed a loss to the person injured of fifteen (15) consecutive days' time or more. All reports shall state the cause and character of the injury, character of employment and the age and sex of the person injured. No statement contained

in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported: *Provided*, that any such employer who shall make the reports of accidents, required by this Act, shall not be required to make such reports to any other State officer, board or commission.

§ 25. It shall be the duty of the Chief State Factory Inspector, and of the assistant Chief State Factory Inspector, and deputy factory inspectors, under the direction and supervision of the Chief State Factory Inspector, to enforce the provisions of this Act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose they and each of them are hereby empowered to visit and inspect, at all reasonable times, all such factories, mercantile establishments, mills and workshops in this State: *Provided*, that whenever any secret process is used in any factory, mercantile establishment, mill or workshop, the owner shall, whenever asked by the Chief State Factory Inspector or the Assistant Chief State Factory Inspector, file with him an affidavit that the owner has in all respects complied with the provisions of this Act and such affidavit shall be accepted in lieu of inspection of any room or apartment in which such secret process is carried on.

In the enforcement of the provisions of this Act, the Chief State Factory Inspector, and the assistant Chief State Factory Inspector, and the deputy factory inspectors, under the direction and supervision of the Chief State Factory Inspector, shall give proper notice in regard to any violation of this Act to the persons owning, operating or managing any such factory, mercantile establishment, mill or workshop. Such notice shall be written or printed and signed officially by the Chief State Factory Inspector, or the assistant Chief State Factory Inspector, and said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode, or business, an exact copy thereof, or by sending a copy thereof to such person by mail.

When general changes relative to the location and spacing of machinery or to ventilation have been made and such changes comply with the provisions of this Act, such arrangements, conditions remaining the same, shall not be disturbed by any requirement of the Chief State Factory Inspector or his deputies within the period of twelve (12) months.

§ 26. Any person, firm or corporation who shall, or any agent, manager or superintendent of any person, firm or corporation, who, for himself or for such person, firm or corporation, shall violate any of the provisions of this Act, or who omits or fails to comply with any of the foregoing requirements of this Act, or who disregards any notice of the Chief State Factory Inspector, or of the assistant Chief State Factory Inspector, when said notice is given in accordance with the provisions of this Act; or who obstructs or interferes with any examination or investigation being made by a State Factory Inspector, under this Act, or any employé in any such factory, mercantile establishment, mill or

workshop who shall remove or interfere with any guard or protective or sanitary device, required by the provisions of this Act, except as hereinbefore provided, or who shall violate any of the other provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished for the first offense by a fine of not less than ten dollars (\$10.00) nor more than fifty [dollars] (\$50.00); and upon conviction of the second or subsequent offense, shall be fined not less than twenty-five [dollars] (\$25.00) nor more than two hundred dollars (\$200.00); and in each case shall stand committed until such fine and costs are paid unless otherwise discharged by due process of law.

§ 27. Whenever any inspection of machinery, ways, means, instruments or appliances in, on, about or connected with any factory, mill, mercantile establishment or workshop is required to be made by the ordinances of any city, town or village of a standard equal to that of this Act and the inspection required by such ordinances has been made, then and in every such case such inspection shall be accepted by the Chief State Factory Inspector, the assistant Chief State Factory Inspector and the deputy factory inspectors as a compliance in that respect with the provisions of this Act; and it shall be the duty of the person for whom such inspection has been made to furnish the Chief State Factory Inspector, or his assistant or deputies, with a copy of the report of inspection made under such ordinances.

§ 28. The provisions of this Act relating to sanitation and ventilation shall not be held to apply to such rooms or apartments of any factory, mercantile establishment, mill or workshop, which are being operated under the supervision of the federal government, by virtue of an Act of Congress entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven," approved June 30, 1906, or any amendment thereof; nor shall any other of the provisions of this Act so apply respecting matters and conditions over which the federal government now exercises or shall hereafter exercise jurisdiction.

§ 29. The following terms used in this Act shall have the following meaning: The term "factory" means any premises wherein electricity, steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or any process incident to the manufacturing of any article or part of any article; or the altering, repairing, ornamenting or the adapting for sale of any article. The term "mill or workshop" shall include any premises, room or apartment not being a factory as above defined, wherein any labor is exercised by way of trade or for the purpose of gain in or incidental to any process of making, altering, preparing, cleaning, repairing, ornamenting, finishing or adapting for sale any article or part of any article, and to which or over which building, premises, room or apartment, the employer of the person employed or working therein has the right of access or control: *Provided, however*, that a private house or private room in which manual or other labor is performed by a family dwelling therein, or by any of them for the exclusive

use of the members of such family is not a factory, mill or workshop, within this definition. The term "mercantile establishment" shall include all concerns or places where goods, ware [s] or merchandise are purchased or sold, either at wholesale or retail.

§ 30. Copies of this Act shall be printed in English and such other languages as may be necessary to disseminate a general knowledge of the provisions herein set forth and shall be supplied by the Chief State Factory Inspector on application.

§ 31. For the purpose of disseminating a general knowledge of the provisions of this Act among employés, the Chief State Factory Inspector shall have prepared a notice covering the salient features of this Act, which may be in the following form :

NOTICE TO OWNERS AND EMPLOYES OF MERCANTILE ESTABLISHMENTS,  
FABRICES, MILLS AND WORKSHOPS.

This notice must be posted in a conspicuous place, in every office and work room of this establishment. The object of this notice is to promote the health, comfort and safety of employés, and requires their attention and coöperation.

1. All machinery when in operation is dangerous, and should be considered so by the operator. It should be so protected as to offer the least possible chance for injury to those who operate it.

2. All machinery must be daily inspected by the operator, and upon discovery of any defects, notice of the same shall be given at once to any one in authority, and the machine not used until repaired.

3. All set screws or other dangerous projections on revolving machinery shall be countersunk or otherwise guarded when possible.

4. Means shall be provided and placed within convenient reach for promptly stopping any machine, group of machines, shafting or other power transmitting machinery.

5. Machines must not be placed so closely together as to be a serious menace to those who have to pass between them. Passageways must be of ample width and head room, and must be kept well lighted and free from obstructions.

6. All hatchways, elevator wells or other openings in floors shall be properly enclosed or guarded.

7. The premises must be kept in a clean and sanitary condition.

8. Ample and separate toilet facilities for each sex shall be provided, and toilet rooms must be kept clean, well ventilated and well lighted.

9. Food must not be taken into any work room where white lead, arsenic or other poisonous substances or gases are present under harmful conditions.

10. Proper and sufficient means of escape, in case of fire, shall be provided, and shall be kept free from obstructions.

11. Poisonous and noxious fumes or gases, and dust injurious to health, arising from any process, shall be removed, as far as practicable.

12. All employés are strictly prohibited from attempting to operate, experiment or tamper with machines or appliances with which they are

not familiar and which are in no way connected with their regular duties. All employ  s are prohibited from jumping on or off moving cars, elevators, machines or appliances not under their immediate charge or control. All employ  s are prohibited from carrying to their place of work acids, chemicals or explosives of any kind which are liable to endanger life or property.

13. Reports must be sent to the office of the State Factory Inspector, as provided by law, and immediate notice of the death of any employ   resulting from accident or injuries must be sent to the same office.

The notice shall be printed on card board of suitable character, and the type used shall be such as to make it easily legible. In addition to English, this notice shall be printed in such other languages as may be necessary to make it intelligible to employ  s. Copies shall be supplied by the Chief State Factory Inspector on application, and must be posted in a conspicuous place in every office and work room of every establishment covered by the provisions of this Act.

   32. This Act shall take effect and be in force on and after January 1, 1910.

APPROVED June 4, 1909.

#### HOURS OF FEMALES.

   1. Ten hours a day's work.

   3. Enforcement.

   2. Violations—penalty.

   4. Repeal.

(SENATE BILL NO. 497. APPROVED JUNE 15, 1909.)

*AN ACT to regulate and limit the hours of employment of females in any mechanical establishment or factory or laundry in order to safeguard the health of such employ  s; to provide for its enforcement and a penalty for its violation.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no female shall be employed in any mechanical establishment or factory or laundry in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day.

   2. Any employer who shall require any female to work in any of the places mentioned in section 1 of this Act, more than the number of hours provided for in this Act, during any day of twenty-four hours, or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this Act, during any one day, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined for each offense in a sum of not less than \$25.00 or more than \$100.00.

§ 3. The State Department of Factory Inspection shall be charged with the duty of enforcing the provisions of this Act and prosecuting all violations thereof.

§ 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

APPROVED June 15, 1909.

PRIVATE EMPLOYMENT AGENCIES.

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|---|----------------------|
| § 1. License — fee — application — publication. | § 7. Definitions.    |
| § 2. Bond.                                      | § 8. Enforcement.    |
| § 3. Register—references—agents.                | § 9. Power.          |
| § 4. Fees—receipts.                             | § 10. Salaries.      |
| § 5. Employment contract.                       | § 11. Constructions. |
| § 6. Character of employment — fraud.           | § 12. Repeal.        |

(SENATE BILL NO. 364. APPROVED JUNE 15, 1909.)

AN ACT *relating to private employment agencies and to repeal parts of a certain Act relating thereto.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no person shall open, keep or carry on any employment agency in the State of Illinois unless every such person shall procure a license therefor from the State Board of Commissioners of Labor. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50) and not exceeding two hundred and fifty dollars (\$250), or on failure to pay such fine, by imprisonment for a period not exceeding six months, or both, at the discretion of the court. Such license shall be granted upon the payment to said State Board of Commissioners of Labor, annually, of a fee of fifty dollars (\$50) in cities of fifty thousand (50,000) population and over, and a fee of twenty-five dollars (\$25) annually, in all cities containing less than fifty thousand (50,000) population.

Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any place other than that designated in the license unless consent is first obtained from the State Board of Commissioners of Labor, or the chief inspector of employment agencies and until the written consent of the surety or sureties on the bond required to be filed by section 2 of this Act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold, excepting cafés and restaurants in office buildings. The application for such license shall be filed with the State Board of Commissioners

of Labor not less than one week prior to the granting of said license and the State Board of Labor Commissioners shall act upon such application within thirty (30) days from the time of application. Such application shall be accompanied by the affidavits of two persons who have known the applicant or the chief officer thereof, if a corporation, for two years, stating that the said applicant is a person of good moral character. The license shall run for one year from the date thereof and no longer, unless sooner revoked by the State Board of Commissioners of Labor. Such application shall be posted in the office of the State Board of Commissioners of Labor or in the office of the Chief Inspector of Private Employment Agencies, from the date of filing thereof, and until such application is acted upon; and before any license shall be granted, notice of such application shall be published on three (3) distinct days by the State Board of Labor Commissioners in some daily newspaper of general circulation throughout the county within which the applicant desires to locate such agency.

§ 2. BOND.] The State Board of Commissioners of Labor shall require such person to file with his application for a license a bond in due form to the People of the State of Illinois, for the penal sum of five hundred dollars (\$500), with one or more sureties, to be approved by the said State Board of Commissioners of Labor, and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this Act. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee thereof shall be entitled to the same remedies upon the bond of such licensed person, or otherwise, as the person aggrieved would have been entitled to, if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist.

§ 3. REGISTER—REFERENCES—AGENTS.] It shall be the duty of every such licensed person to keep a register, in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment and amount of the fee received. Such licensed person shall also enter, in a separate register, in the English language, the name and address of every accepted applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rates of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the State Board of Commissioners of Labor, their duly qualified agents, and the officers created by this Act.



No such licensed person, or his employé, shall knowingly make any false entries in such register. It shall be the duty of such licensed persons who employ agents or solicitors to provide each of the said employés with a suitable badge, containing said licensed person's name, and address of such agency and numbers of such license, and shall file with the State Board of Commissioners of Labor the name of each such employé.

§ 4. FEES—RECEIPTS.] A registration fee not to exceed two dollars (\$2.00) may be charged by such licensed agency when such agency shall be at actual expense in advertising such individual applicant, or in looking up the references of said applicant. In all such cases a complete record of such references shall be kept on file, which record shall, during all business hours, be open for the inspection of the said State Board of Commissioners of Labor, the chief inspector of employment agencies or his assistants. For such registration fee a receipt shall be given to said applicant for help or employment, giving name of such applicant, date of payment and character of position or help applied for. Said registration fee shall be returned to said applicants on demand, after thirty (30) days and within sixty (60) days from date of the receipt, less the amount that has been actually expended by said licensed agency for said applicant, and an itemized account of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee, provided no position has been furnished by said licensed agency to said applicant.

No licensed person or persons shall, as a condition to registering or obtaining employment for such applicant, require such applicant to subscribe to any publication or exact any other fees, compensation or reward, other than the registration fee aforesaid, and a further fee, the amount of which shall be agreed upon between such applicant and such licensed person, to be payable at such time as may be agreed upon in writing, but the further fee aforesaid shall not be received by such licensed person before the applicant has been tendered a position by said licensed person. In the event the position so tendered is not accepted by or given such applicant, said licensed person shall refund all fees requested by said applicant, other than the registration fees aforesaid within three (3) days after demand is made therefor. No such licensed person shall send out any applicant for employment without having obtained a *bona fide* order therefor, and if it shall appear that no employment of the kind applied for existed at the place where said applicant was directed, said licensed party shall refund to such applicant within five (5) days after demand, any sum paid by said applicant for transportation in going to and returning from said place and all fees paid by said applicant.

In addition to the receipt herein provided to be given for registration fees, it shall be the duty of such licensed person to give, to every applicant for employment from whom other fee or fees shall be received, an additional receipt, in which shall be stated the name of such applicant, the date and amount of such other fees; and to every applicant

for help from whom other fee or fees shall be received, an additional receipt, stating the name and address of said applicant, the date and amount of such other fee or fees, and the kind of help to be provided. All receipts shall have printed on the back thereof, in the English language, the name and address of the State Board of Commissioners of Labor and the Chief Inspector of Employment Agencies.

Every such licensed person shall give to every applicant for employment, a card or printed paper containing the name of the applicant, the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. If an employ   furnished fails to remain one week in a situation, through no fault of the employer, a new employ   shall be furnished to the applicant for help, if he so elects, or three-fifths (3-5) of all fees paid returned within four (4) days after demand: *Provided*, said applicant for help notifies said licensed person within three (3) days of the failure of the applicant to accept the position or the applicant's discharge for cause. If the employ   is discharged within one week without said employ  's fault, another position shall be furnished, or three-fifths (3-5) of all fees paid returned to the applicant for employment.

Every such person shall post in a conspicuous place in each room of such agency, sections three (3), four (4) and five (5) of this Act, which shall be printed in languages which persons commonly doing business with such agency can understand. Such printed matter shall also contain the name and address of the State Board of Labor Commissioners and the Chief Inspector of Employment Agencies, and shall be furnished by the State Board of Labor Commissioners.

  5. EMPLOYMENT CONTRACT.] No such licensed person shall solicit or receive any fees, compensation or reward from any employer, in payment for such person's refusal to register or obtain employment for any applicant for employment. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract or railroad laborers, in any place outside the city in which such agency is located, the said licensed person shall give each of such laborers, in a language with which such laborers are familiar, a statement containing the following items: Name and address of the employer, name and nature of the work to be performed, wages offered, destination of the person employed, terms of transportation and probable duration of employment; and a duplicate of such statement shall be kept on file in the office of the licensed person sending out such laborers.

  6. CHARACTER OF EMPLOYMENT—FRAUD.] No such licensed person shall send, or cause to be sent, any female help or servants, or inmate or performer, to enter any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, or gambling house, the character of which such licensed person knows, either actually or by reputation.

No such licensed person shall knowingly permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the child labor law, approved May 15, 1903, and in force July 1, 1903, and an Act to regulate the employment of children, approved June 9, 1897, and in force July 1, 1897. For the violation of any of the provisions of this section, the penalty shall be a fine of not less than fifty dollars (\$50) and not more than two hundred dollars (\$200), or imprisonment in the county jail or house of correction for a period of not more than one year, or both, at the discretion of the court, in addition to the revocation of such person's license. No such licensed person shall publish or cause to be published any fraudulent notice or advertisements of such employment agencies by means of cards, circulars or signs, and in newspapers and other publications; and all of its letter heads, receipts and blanks shall contain the name and address of such employment agency, and shall state in all such notices the fact that such licensed person is or conducts an employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the Illinois Free Employment Office. All written communications sent out by such licensed person, directly or indirectly, to any person in regard to help or employment, shall have contained therein definite information, that such person is an employment agent; and no such licensed person shall knowingly give any false information or make any false promise concerning employment to any applicant who shall register for employment or help. No such licensed agent shall divide fees with or pay a commission to any person to whom applicants are sent for employment or help.

§ 7. DEFINITIONS.] Any person, firm or corporation, who for hire or with a view to profit, shall undertake to secure employment or help, or through the medium of card, circular, pamphlet or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured, shall be deemed a private employment agency and be subject to the provisions of this Act, provided that charitable institutions are not included. The term fee, as used in this Act, means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage, or lodging for any applicant for employment. The term fee, as used in this Act, also means and includes the difference between the amount of money received by any person who furnishes employes or performers for any entertainment, exhibition or performance, and the amount paid by the said person to the employes or performers whom he hires to give such entertainments, exhibition or performance. The term privilege, as used

in this Act, means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

§ 8. ENFORCEMENT.] The enforcement of this Act shall be entrusted to the State Board of Commissioners of Labor, and an officer to be known as the Chief Inspector of Private Employment Agencies, which officer shall be recommended by the State Board of Commissioners of Labor and appointed by the Governor of the State and whose term of office shall be for the period of the incumbency of the Governor appointing him, or until his successor is appointed. He may appoint by and with the approval of the Governor one (1) inspector for every fifty (50) licensed agencies or major fraction thereof, who shall make at least bi-monthly visits to every such agency. Said inspectors shall have a suitable badge which they shall exhibit on demand of any person with whom they may have official business. Such inspectors shall see that all the provisions of this Act are complied with, and shall have no other occupation or business. Complaints against any such licensed person may be made orally or in writing to the State Board of Labor Commissioners or to the Chief Inspector of Private Employment Agencies, and reasonable notice thereof, not less than one (1) day, shall be given in writing to said licensed person by serving upon him concise statement of the facts constituting the complaint, and the hearing shall be had before the State Board of Labor Commissioners or the Chief Inspector of Private Employment Agencies as the State board aforesaid shall designate, within one week from the date of the filing of the complaint and no adjournment shall be taken for a period longer than one (1) week. Reasonable notice of the place of hearing of any complaint shall be given to such licensed person complained against. A calendar of all hearings shall be kept by the State Board of Labor Commissioners of the complaints they are to hear, and by the chief inspector of those he is to hear, and shall be posted in a conspicuous place in its or his public office for at least one (1) day before the date of such hearing. The result of such hearings shall be rendered within eight (8) days from the time the matter is finally submitted. The said State Board of Commissioners of Labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this Act, and when it is shown to the satisfaction of the said Board of Commissioners of Labor that any person is guilty of any immoral, fraudulent or illegal conduct in connection with the conduct of said business, it shall be the duty of said State Board of Commissioners of Labor to revoke the license of such person, but notice of such charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself in the manner and form heretofore provided in this section of the Act. Whenever said Board of Commissioners of Labor shall refuse to issue or shall revoke the license of any such employment agency, said determination shall be subject to review

on writ of certiorari. Whenever for any cause such license is revoked said revocation shall not take effect until seven (7) days after such revocation is officially announced, and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help. The violation of any provision of this Act except as provided in section one (1) and six (6), shall be punishable by a fine not to exceed twenty-five dollars (\$25), and any city magistrate, judge of a municipal court, police justice, justice of the peace or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit to the county jail or house of correction the person so offending for a period not exceeding thirty (30) days. The said State Board of Labor Commissioners or the Chief Inspector of Employment Agencies or any of the inspectors created by this Act, may institute criminal proceedings for its enforcement before any court of competent jurisdiction. The State Board of Commissioners of Labor shall employ legal advice or services whenever in its opinion such advice or services are necessary in or to the enforcement of this Act.

§ 9. POWER.] The Chief Inspector of Private Employment Agencies and all the inspectors created by this Act shall have full power to execute and serve all warrants and process [es] of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under the law relating to employment agencies in the same manner as any constable or police officer, may serve and execute such processes, or may arrest on view and without warrant, any unlicensed person detected by them actually violating any of the provisions of this Act and may take such person so offending before any court having jurisdiction of the offense, and make proper complaint before such court which shall proceed with the case in the manner and form provided by law.

§ 10. SALARIES.] Such Chief Inspector of Private Employment Agencies shall receive a salary of three thousand and six hundred dollars (\$3,600) per annum, such salary to be paid monthly, from the license fees or fines collected under the provisions of this Act, upon voucher therefor filed with the Auditor of Public Accounts and approved by the Governor. Said chief inspector shall furnish a bond payable to the State of Illinois, in the sum of five thousand dollars (\$5,000) said bond to be approved by the Governor and filed with the Secretary of the State. He shall also be allowed the necessary printing, stationery and postage, and shall also be furnished a suitable room or rooms and necessary office furniture, and assistants such as a clerk and stenographer, as the office requires, the same to be paid from the said fund collected under this Act. The other inspectors provided for in this Act shall receive a salary of fifteen hundred dollars (\$1,500) per annum, payable monthly, such salary to be audited and paid from the said license fee fund, and upon the certificates of the Chief Inspector of Private

Employment Agencies that such services have been actually rendered under his direction: *Provided*, that should the license fee fund become exhausted during the year, the State Board of Commissioners of Labor shall have the power and authority with the approval of the Governor, to suspend any number or all of such inspectors until such fund is again replenished. Any expense incurred in obtaining legal advice or services as provided in section 8 of this Act, shall be paid from the said license fee fund collected as herein provided. The said State Board of Commissioners of Labor shall at the end of each fiscal year, make an account of said license fee fund and pay into the State treasury whatever balance shall remain after having paid the necessary disbursements for the purpose of enforcing the provisions of this Act.

§ 11. CONSTRUCTIONS.] Should one or more of the provisions of this Act be held invalid, such invalidity shall in no manner affect any of the valid provisions hereof.

§ 12. Sections 9, 10 and 11 of an Act relating to employment of offices and agencies approved May 11, 1903, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

APPROVED June 15, 1909.

## FEES AND SALARIES.

### CLERKS OF COURTS IN COUNTIES OF FIRST AND SECOND CLASS—PER DIEM.

§ 1. Fixes per diem for attendance upon court. | § 2. Repeal.

(HOUSE BILL No. 579. APPROVED JUNE 9, 1909.)

AN ACT to allow a per diem fee to clerks of the circuit, county and probate courts in counties of the first and second class and to repeal certain Acts therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the clerks of the circuit court in counties of the first and second class shall receive and be allowed at [as] a per diem fee for attendance upon said courts the sum of six dollars per day, and the clerks of the probate courts in counties of the second class shall be allowed the same per diem fee for attendance upon their respective courts as are now allowed to clerks of the county court and sheriffs in counties of the second class for such service.

§ 2. That section 1 of an Act entitled, "An Act to allow a per diem fee to clerks of the circuit and probate courts in counties of the second class," approved June 15, 1893, in force July 1, 1893, as amended by an Act approved June 7, 1895, in force July 1, 1895, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 13, 1907, in force July 1, 1907, be and the same is hereby repealed.

APPROVED June 9, 1909.

## COOK COUNTY—SALARIES OF COUNTY OFFICERS.

§ 1. Amends section 31, Act of 1872.

§ 31. Fixes salaries of county officers of Cook county.

(HOUSE BILL No. 657. APPROVED JUNE 14, 1909.)

AN ACT to amend section 31 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by Act approved May 11, 1907, in force July 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 31 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by Act approved May 11, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

§ 31. The clerks of all courts of record of Cook county, the treasurer, sheriff, coroner, county clerk and recorder of deeds of Cook county hereafter elected, shall be paid by the said Cook county as their only compensation for their services the following named salaries, to-wit:

The clerk of the circuit court the sum of nine thousand dollars per annum.

The clerk of the superior court the sum of nine thousand dollars per annum.

The county clerk of Cook county, as the only compensation for services rendered in the capacity of county clerk, clerk of the county court, or in any other capacity, the sum of nine thousand dollars per annum.

The clerk of the criminal court the sum of nine thousand dollars per annum.

The clerk of the probate court of Cook county the sum of nine thousand dollars per annum.

The county treasurer the sum of four thousand dollars per annum.

The sheriff the sum of nine thousand nine hundred and sixty dollars per annum.

The coroner the sum of nine thousand dollars per annum.

The recorder of deeds of Cook county, as the only compensation for services rendered in the capacity of recorder or in any other capacity, the sum of nine thousand dollars per annum.

APPROVED June 14, 1909.

## FEES OF CLERKS OF PROBATE COURTS IN CERTAIN COUNTIES.

§ 1. Fixes fees of probate clerks in counties of second class over 70,000.	§ 2. Payment in advance.
	§ 3. Repeal.

(HOUSE BILL No. 31. APPROVED JUNE 16, 1909.)

AN ACT to provide for fees of clerks of probate courts in counties of the second class having a population of seventy thousand or more.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the clerks of the probate courts in counties of the second class having a population of seventy thousand or more shall be entitled to receive the fees herein specified for the services mentioned, and such other fees as may be provided by law for other services not herein designated.

For taking proof of last will and testament, or codicil, when proved separately, and endorsing certificate of probate thereon, and for entering order admitting to probate last will and testament, or codicil, and granting letters testamentary, \$5.00.

For issuing and mailing each copy of petition for probate of any will, 75 cents.

For granting letters of administration, guardianship or conservatorship, \$3.00.

For filing for any purpose, .05 cents.

For taking and approving bond of executor or administrator, guardian, conservator, or any other bond required by law to be taken, 75 cents.

For certified copy of letters testamentary, of administration, of guardianship, or of conservatorship, 75 cents.

And in addition thereto, 10 cents for each one hundred words contained in said will or codicil.

For issuing warrant to appraisers, \$1.00.

For taking and filing renunciation of executor or of right to administer, 25 cents.

For filing and docketing each claim against estates, and for entering order allowing or dismissing same, 50 cents.

For entering order reinstating or refileing or redocketing each claim, 75 cents.

For filing and docketing proof of notice for adjustment of claims, 55 cents.

For filing and docketing assignment of claims or judgment, 25 cents.

On petition for sale of real estate by executor, administrator, guardian or conservator, docketing and filing the same, a docket fee of \$5.00.

For each cause tried by a jury, a jury fee of \$3.00, to be prepaid by the party calling for the jury; and in case of an application for appointment of a conservator, when a conservator is appointed, to be taxed against the estate of the person for whom the conservator is appointed; and in case of a claim, the cost to be taxed against the unsuccessful party, and collected as other taxed costs.



For entering order, docketing, filing and issuing citation, \$1.00.

For issuing and filing subpoena, 25 cents.

For issuing *dedimus potestatum*, \$1.00.

For issuing, docketing and filing executions, \$1.00.

For proof of heirship, \$1.00.

For writ of attachment, for contempt of court, \$1.00.

For every certificate under seal of court issued by clerk, except as herein otherwise provided, 25 cents.

For discharge of executor, administrators, guardians or conservators, or any sureties on their bonds, \$1.00.

For entering any order not herein otherwise provided for, 50 cents.

For issuing summons and filing same, 50 cents.

For administering each oath, 25 cents.

For recording all papers, instruments, documents and writings required by law or order of court to be recorded, for each one hundred words, 10 cents.

For copies or exemplifications of copies and papers for every one hundred words, 10 cents.

On application for the grant of letters testamentary, of administration, guardianship, or conservatorship, and on the grant of letters testamentary, administration, guardianship or conservatorship, there shall be paid to said probate court from the proper estate and charged as costs a docket fee of \$5.00.

In all cases where any deceased person shall leave him or her surviving a widow or children, resident of this State, who are entitled out of said estate to a widow's or children's award, and the entire estate, real and personal, of such deceased person shall not exceed the sum of \$1,000 and in the case of any minor whose real and personal estate does not exceed the sum of \$500.00 and whose father is dead, and in all cases of any idiot, insane person, lunatic or distracted person, drunkard or spendthrift, when such person has a wife or infant child dependent on such person for support, and the entire estate of such person shall not exceed the sum of \$1,000.00 the probate judge (by order of court) shall remit and release to such estate all of the costs herein provided for.

§ 2. The clerk of probate courts shall be entitled in all cases to demand and receive the payment of all fees for services in advance so far as the same can be ascertained.

§ 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

APPROVED June 16, 1909.

## FEES OF CONSTABLES IN COUNTIES OF FIRST AND SECOND CLASS.

§ 1. Amends section 41, Act of 1872.

§ 41. As amended, increases fee for attendance in circuit court.

(HOUSE BILL NO. 104. APPROVED JUNE 8, 1909.)

AN ACT to amend section 41 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874, as amended by an Act approved and in force May 17, 1877, be and is hereby amended so as to read as follows:

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 41 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874;" as amended by an Act approved and in force May 17, 1877, be and is hereby amended so as to read as follows:

§ 41. The fees of constables in counties of the first and second class for any service to be rendered by them, shall be as follows:

For advertising property for sale fifty cents.

For attending trial and waiting on a jury, fifty cents.

For each day's attendance in the circuit court when required, to be paid out of the county treasury, three dollars.

For taking and approving replevin bond, fifty cents.

For taking and approving forthcoming bond, or special bail, fifty cents.

Commissions on sales, not exceeding ten dollars, ten per cent; and on the excess of that amount, five per cent; and in cases when an execution in the hands of any constable shall be settled by the parties or paid, or when the property levied on shall not be sold, by reason of such settlement or payment, the constable shall be allowed five per cent on the first ten dollars and two and one-half per cent on the excess.

Constables shall be allowed reasonable charges, to be fixed by the justice, for removing and taking care of property levied on by them, which in no case shall exceed the actual expense incurred.

For mileage when serving a warrant, summons, subpoena or other process, five cents per each mile, each way, for actual distance traveled by him in making such service, the distance to be computed from the office of the justice to the residence of each person served.

For mileage in taking a person to jail, from the office of the justice, ten cents per mile, and all actual and necessary expenses incurred, to be paid out of the county treasury.

For serving and returning a summons, thirty-five cents; warrant for each person served, fifty cents.

For serving and returning a writ of replevin or attachment, for each person served, fifty cents.

For serving a subpoena, for each person served, twenty-five cents.

For serving venire, fifty cents.

For serving a writ of restitution, in cases of forcible entry and detainer, one dollar, and necessary expenses of assistants, to be determined by the justice.

For serving and returning each execution, fifty cents.

For serving mittimus, fifty cents.

For serving a warrant on appraisers in cases of estrays, twenty-five cents.

APPROVED June 8, 1909.

#### FEES OF COUNTY CLERKS.

§ 1. Amends section 18, Act of 1872.		[§ 18.] Fixes fees of the county clerk.
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(HOUSE BILL NO. 297. APPROVED JUNE 14, 1909.)

AN ACT to amend section 18 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 18 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, be and the same is hereby amended to read as follows:

§ 18. That the fees of the clerk of the county court (county clerk) shall be—

For issuing letters testamentary, of administration, of guardianship or of conservatorship and for the issuance, entering and filing and recording any and all process, files, reports, papers or other instruments pertaining to the execution or administration of the estate of any deceased person, or of the guardianship of any minor, or the conservatorship of any defective person in each case, nine dollars in counties of the first class, and ten dollars in counties of the second class and an additional sum of six dollars where it becomes necessary to sell or mortgage the real estate of any executor, administrator, guardian, or conservator of the estate.

For recording each will, fifty cents, and ten cents for each additional one hundred words, when the instrument contains more than five hundred words, in counties of the first and second class.

In all actions at law, suits or proceedings, either civil or criminal, in which the county court has concurrent jurisdiction with the circuit court, and for which services the fees of the circuit clerk are fixed at a sum total, the fee of the clerk of the county clerk [court] shall be the same as those fixed for the circuit clerk and as classified therein.

For each official copy of any process, file, record or other instrument of and pertaining to his office, ten cents for each one hundred words and twenty-five cents additional for certifying and sealing the same, in counties of the first and second class.

For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to his office, thirty-five cents, in counties of the first and second class.

For swearing any person to an affidavit, when the same has no relation to any matter pending in the county court, twenty-five cents, in counties of the first and second class.

For issuing each license in all matters except where the fee for the issuance thereof is otherwise fixed, one dollar, in counties of the first and second class.

For issuing each marriage license, the certificate thereof and recording the same, one dollar in counties of the first and second class.

For taking and certifying depositions, ten cents for each one hundred words, in counties of the first and second class.

For taking and certifying acknowledgments to any instrument, twenty-five cents, in counties of the first and second class.

For taking proof in cases of estrays and granting certificates of the same, twenty-five cents, in counties of the first and second class.

For registering each certificate transmitted to him by a justice of the peace, in cases of estrays, ten cents, in counties of the first and second class.

For advertisement in such cases, including a copy for newspaper publication, fifty cents, in counties of the first and second class.

For trying and sealing weights and measures by county standard, fifty cents, in counties of the first and second class.

For cancelling tax sale, and issuing and sealing certificate of redemption, twenty-five cents, in counties of the first and second class.

For making transcript of taxable property for the assessors, one cent in counties of the first class, and two cents in counties of the second class; for each tract of land or town lot, and for extending taxes, one cent in counties of the first class, and two cents in counties of the second class; for extending each tax on each tract or lot, and each person's personal tax, to be paid by the authority for whose benefit the transcript is made and taxes extended, and it shall be the duty of the county clerk to certify to the county collector the amount due from each authority and the collector, in his settlement with such authority, shall reserve such amount from the amount due and payable to him to such authority. The following fees shall be audited and allowed by the county board and paid from the county treasury, and computing and extending State and county tax therein, for each tract of land, each town lot and each person's personal property, five cents.

For computing and extending school tax, and each other tax or special assessment, on each tract or town lot or valuation of personal property, for each extension, one cent.

For examining and correcting the assessor's return; for making abstracts of same for the board of supervisors and State Auditor; for making abstracts of taxes levied on collector's books; and for auditor's office, and for computing the accounts of the county treasurer with the county, and making settlement with such treasurer, the county board shall allow such reasonable compensation as may be just and right for such services.

For entering the list of lands and town lots returned by the State Auditor, on the tract book, for each tract or town lot, two cents. For attending the sessions of the county board, or county court, six dollars per day. For recording proceedings of the county board in county business, for every one hundred words, ten cents. For recording miscellaneous instruments and papers, required by law to be recorded on the county records, for every one hundred words, ten cents. For issuing each certificate of appointment or commission, the fee for which is not otherwise fixed by law, twenty-five cents.

No fees shall be allowed to county clerks for making election returns, abstracts of elections, or for other county business not otherwise provided for in this Act; but the county board shall allow for such service an *ex officio* fee, not in excess of one hundred dollars per annum.

The following fees shall be allowed for services attending the sale of land for taxes, and shall be charged as costs against the delinquent property and be collected with the taxes thereon.

For making lists of delinquent lands and town lots for judgment, for each tract and town lot, three cents.

For making lists of delinquent lands and town lots on precept and sale and redemption records, for each tract and town lot, three cents, including service thereon.

For services in attending the tax sale and issuing certificates of sale and sealing the same, for each tract or town lot sold, twenty-five cents.

For making list of delinquent lands and town lots sold, to be filed with the State Auditor, three cents.

APPROVED June 14, 1909.

## FEES OF SHERIFFS IN COUNTIES OUTSIDE COOK COUNTY.

§ 1. Amends section 19, Act of 1872.

§ 19. As amended, increases  
fee for attending  
court.

(HOUSE BILL NO. 462. APPROVED JUNE 14, 1909.)

AN ACT to amend section 19 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, and in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section nineteen (19) of "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and in force July 1, 1872, as amended by an Act approved March 28, 1874, and in force July 1, 1874, be amended so as to read as follows:

§ 19. IN COUNTIES OF FIRST, SECOND AND THIRD CLASS.] The fees of sheriffs in counties of the first and second class shall be as follows:

For serving a writ or summons on each defendant, in counties of the first class, seventy-five cents; in counties of the second class, sixty-five cents.

For serving chancery summons and copy, or writ of injunction and copy, in counties of first class, one dollar; second class, seventy-five cents. For taking special bail, twenty-five cents in each county.

For serving a subpoena on each witness in counties of the first class, fifty cents; second class, thirty-five cents.

For advertising property for sale, seventy-five cents.

For returning each writ or other process, ten cents. Mileage for each mile of necessary travel to serve any such writ or process as aforesaid, calculating from the place of holding the court to the place of residence of the defendant or witness, five cents each way.

For summoning each juror, in counties of first class, fifty cents; second class, thirty cents, with five cents mileage each way in all counties.

For serving notice of executions, or levying an execution or serving an attachment, in counties of first class, seventy-five cents; in second class, sixty-five cents and mileage five cents each way in all counties.

For taking possession of and removing property levied on, the officer shall be allowed to tax the actual costs of such possession or removal.

For serving and returning a *scire facias* to revive a judgment, foreclose a mortgage, or against bail, in counties of first class, seventy-five cents; in second class, sixty-five cents.

For committing each prisoner to jail, in counties of first class, fifty cents; second class, fifty cents.

For discharging each prisoner from jail, in counties of first and second class, fifty cents.

For dieting each prisoner, such compensation to cover the actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For attending before a judge with prisoner, on a writ of *habeas corpus*, in counties of first and second class, two dollars and fifty cents per day.

For each mile of necessary travel in taking such prisoner before the judge as aforesaid, five cents each way.

For serving a writ of possession, with the aid of *posse comitatus*, two dollars.

For serving same, without such aid, one dollar; mileage in either case for each mile of necessary travel, five cents each way.

For executing a writ of *ad quod damnum*, attending the inquest and returning the writ with the verdict of the jury, two dollars.

For attending the circuit and county courts, and for attending the county court sitting for probate business at request of the judge, the time to be certified to by the judge, not more than four dollars per day, to be allowed and paid out of the county treasury.

For executing and acknowledging a deed on sale of real estate, in counties of first class, one dollar and fifty cents; second class, one dollar and twenty-five cents.

For making certificate of sale, and making and filing duplicate, in counties of first class, for each, sixty cents; second class, fifty cents.

For making certificate of redemption, seventy-five cents.

For certificate of levy and filing, fifty cents, and the fee for recording shall be advanced by plaintiff in execution and charged up as costs.

For taking all bonds on legal process, in counties of first class, seventy cents; second class, sixty-five cents.

For executing *capias* in criminal cause, where the offense is infamous, three dollars, and mileage for each mile of necessary travel, five cents each way.

For executing *capias* where offense is not infamous, in counties of first class, seventy-five cents; second class, sixty-five cents. Mileage for each mile of necessary travel, five cents each way.

For executing requisitions from other states, the same compensation as in executing *capias* in criminal causes, when the offense is infamous.

For conveying each prisoner from his own county to the jail of a foreign county per mile, for going only, twenty-five cents.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, fifty cents in all counties.

For dieting such prisoner, per day, in counties of first class, seventy-five cents; in second class, sixty-five cents, to be paid by the marshal or other person requiring his confinement.

For discharging such prisoner, in counties of first and second class, fifty cents.

For carrying convicts to the penitentiary or reform school, from any county, the following fees, payable out of the State treasury, viz.:

Where only one convict is conveyed at and after the rate of twenty-five cents for each and every mile necessarily traveled in going to the penitentiary or the reform school from the place of conviction. Where two convicts are conveyed by the said sheriff at the same time, he shall receive at and after the rate of twenty-five cents per mile for first, and fifteen cents per mile for the second convict. Where more than two are conveyed at the same time to the penitentiary or reform school as aforesaid, he shall be allowed twenty-five cents per mile for the first, fifteen cents per mile for the second, and ten cents per mile for each of the residue.

For conveying any person to or from any of the charitable institutions of the State, when properly committed by some competent authority, twenty-five cents per mile.

For conveying a convict from the penitentiary to the county jail when required by law, thirty cents per mile.

For attending Supreme Court, three dollars per day.

In addition to the above fees, there shall be allowed to the sheriffs in counties of the first and second class, a commission of 3 per centum on all sales of real and personal estate, which shall be made by virtue of any execution or any decree of a court of chancery, where the money arising from such sales shall not exceed two hundred dollars; but in all cases where the amount of such sale shall exceed that sum, then one and one-half per cent commission on the excess only shall be allowed: *Provided*, that in all cases where the execution shall be settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon shall not be actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the commission on all money collected by him which he would be entitled to if the same was made by sale or execution; except the necessary expenses for keeping personal property, to be ascertained and allowed by the court out of which the same shall be issued. In all criminal cases where the defendant shall be acquitted or otherwise legally discharged, without payment of cost, the sheriff shall be paid such fees from the county treasury: *Provided*, that no such fees shall be paid to the sheriff from the county treasury when the fees collected by him during such year shall equal the compensation or salary allowed him by the county board: *And, provided, further*, that no more of such fees shall in any case be paid from the county treasury than shall be sufficient, with the fees collected, to make the salary or compensation of said sheriff. In all cases where any of the sheriffs of this State shall be required by law to execute any sentence or punishment other than imprisonment, for which no fee is allowed by this Act, it shall be the duty of the county board of the proper county to allow a reasonable compensation for the same, to be paid out of the county treasury, not exceeding one hundred dollars. It shall be the duty of each sheriff entitled to mileage under this Act, to endorse on each writ, summons, subpoena or other process that he may execute the distance he may travel to execute the same, ascertaining the distance



and the charge properly allowable therefor, in conformity with the foregoing regulations. (As amended by Act approved May 16, 1905. In force July 1, 1905. L. 1905, p. 266; Legal News Ed. p. 212.)

APPROVED June 14, 1909.

#### FEES OF STATE'S ATTORNEYS.

§ 1. Amends section 8, Act of 1872.

§ 8. As amended, adds proviso to paragraphs three and ten.

(SENATE BILL NO. 44. APPROVED JUNE 5, 1909.)

AN ACT to amend section 8 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by Act approved June 4, 1889, in force July 1, 1889, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved June 4, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eight (8) of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by Act approved June 4, 1889, in force July 1, 1889, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved June 4, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

§ 8. State's attorneys shall also be entitled to the following fees:

For each conviction in prosecutions on indictments for murder, manslaughter, rape, kidnapping, arson and forgery, \$30. All other cases punishable by imprisonment in the penitentiary, \$30.

For each conviction in other cases in courts of record, including cases brought to such courts by appeal from justices of the peace and police magistrates, \$15: *Provided, however,* that no such fees shall be allowed in any such case tried in the municipal court of Chicago, unless the same be tried by jury or unless the trial thereof shall occupy more than one full day, and then only in case the court shall expressly order such fees to be allowed.

For each conviction in cases before police magistrates and justices of the peace for offenses which it is made by law the duty of the States' attorneys to prosecute before such officers, and for each conviction before justices of the peace and police magistrates on any charge made criminal by the laws of this State prosecuted by them, \$5.00.

For preliminary examinations for each defendant held to bail or recognized [recognizance] \$5.00.

For each examination of a party bound over to keep the peace, \$5.00.

For each defendant held by a justice of the peace or police magistrate to answer in a county court on a charge of bastardy, \$5.00.

For each trial in a court of record on a charge of bastardy, \$15.00.

For each case of appeal or writ of error taken from his county or from the county to which a change of venue is taken to his county to the Supreme or Appellate Court when prosecuted or defended by him, \$50.

For each day actually employed in the trial of a case in a court of record, \$10; in which case the judge before whom the case is tried shall make an order specifying the number of days for which a per diem shall be allowed: *Provided, however*, no such per diem shall be allowed in any case tried in the municipal court of Chicago, unless the trial be by jury.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$10; and the judge before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance, where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, \$10 for each defendant.

For each proceeding in a court of record to inquire into the alleged insanity or distraction of any person alleged to be insane or distracted, \$5 for each defendant.

For each proceeding in a court of record to inquire into the alleged dependency or delinquency of any child, \$10.

For each day actually employed in the hearing of a case of *habeas corpus* in which the people are interested, \$20.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the sanity or insanity of any person alleged to be insane, in cases on a charge of bastardy and in cases of appeal or writ of error in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent, together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than ten counts in any one indictment or information on trial and conviction; nor on more than ten counts against any one defendant on pleas of guilty at the same term of court.

APPROVED June 5, 1909.

SALARIES OF COUNTY SUPERINTENDENTS OF SCHOOLS.

§ 1. Amends section 27, Act of 1872. | § 27. Salaries classified.

(HOUSE BILL No. 688. APPROVED JUNE 14, 1909.)

AN ACT to amend section 27 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by an Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 27 of an Act entitled, "An Act concerning fees and salaries, and to classify the counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, and as amended by Act approved May 16, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows:

§ 27. County superintendents elected hereafter shall receive in full for their services in counties which, according to the census of 1900, contained a population not exceeding 12,000, \$1,250 per annum; in counties which, according to the census of 1900, contained a population of more than 12,000 and not exceeding 20,000, \$1,500 per annum; in counties which, according to the census of 1900, contained a population of more than 20,000 and not exceeding 28,000, \$1,800 per annum; in counties which according to the census of 1900, contained a population of more than 28,000 and not exceeding 36,000, \$2,000 per annum; in counties which, according to the census of 1900, contained a population of more than 36,000 and not exceeding 50,000, \$2,250 per annum; in counties which, according to the census of 1900, contained a population of more than 50,000 and not exceeding 75,000, \$2,500 per annum; in counties which, according to the census of 1900, contained a population of more than 75,000, and not exceeding 100,000, \$2,750 per annum; and in counties which, according to the census of 1900, contained a population of more than 100,000, \$7,500 per annum, payable quarterly from the State school fund: *Provided, however,* that the board of supervisors or board of county commissioners may allow additional compensation for such services, payable quarterly from the county treasury. The Auditor, in making his warrant to any county for the amount due it from the State school fund, shall deduct from it

the several amounts for which warrants have been issued to the county superintendent of said county since the preceding apportionment of the State school fund.

APPROVED June 14, 1909.

## FIRE ESCAPES.

### EXEMPTION OF CERTAIN MUNICIPALITIES.

§ 1. Adds section 6a to Act of 1899.

§ 6a. To what municipalities Act of 1899 does not apply.

(HOUSE BILL No. 596. FILED JUNE 16, 1909.)

AN ACT to amend an Act entitled, "An Act relating to fire escapes," approved and in force April 21, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act relating to fire escapes," approved and in force April 21, 1899, be and the same is hereby amended by adding thereto a new section, to be known as section 6a, which shall read as follows:

[§ 6a.] The provisions of this Act shall not be applicable to cities, villages and towns within the State of Illinois that have, or may by their proper legislative authority pass or adopt, ordinances, by-laws or resolutions governing the kind, number, location, material and construction of fire escapes to be required on buildings within the corporate limits of such cities, villages and towns.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## FISH AND GAME.

### FISHING IN LAKE MICHIGAN.

§ 1. Adds section 8a to Act of 1907.

§ 8b. License for boat for fishing—fee.

§ 8a. License for dip net—fee.

(HOUSE BILL No. 117. JUNE 15, 1909.)

AN ACT to amend an Act entitled, "An Act to regulate the catching of whitefish, trout, herring, chubs, longjaws, blackfins, perch and other rough fish in the waters of Lake Michigan under the jurisdiction of the State of Illinois," approved May 17, 1907, in force July 1, 1907, by adding thereto two new sections to be known as section 8a and section 8b.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to

regulate the catching of whitefish, trout, herring, chubs, longjaws, black-fins, perch and other rough fish in the waters of Lake Michigan under the jurisdiction of the State of Illinois," approved May 17, 1907, in force July 1, 1907, be and the same is hereby amended by adding thereto a new section, to be known as section 8a, to read as follows:

§ 8a. No person shall be permitted to fish with dip net in the waters mentioned in the first section of this Act without first obtaining a license so to do from the city clerk or county clerk of any city or county bordering upon such waters, which clerks are hereby authorized to issue such license. For each license for dip net the fee of fifty cents shall be charged and collected. And each city of [or] county clerk issuing such license shall be entitled to a fee of ten cents for each license so issued by him, in addition to the fee above provided for, to be paid by the party applying for such license. Which payment so made shall license the person making the same to fish with such dip net at such time as may be prescribed in this Act. At the time the said payment is made, the person making the same shall receive from the city or county clerk a metal tag, which shall be of uniform style and pattern, to be prescribed and furnished by the fish commissioners, and shall attach such metal tag to said dip net in such manner as to be at all times exposed to public view. The license fee above provided for shall be paid by said clerk to the State Treasurer at the end of each month, and shall be placed to the credit of the State fish protection fund, and shall be disbursed by the State Treasurer on warrants signed by the State Fish Commissioners, approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer. And said license shall expire on the first day of June following its issuance.

§ 8b. No person shall be permitted to use or operate a steam, gasoline, sailboat or rowboat for fishing in or upon the waters mentioned in the first section of this Act without first obtaining a license so to do from the city clerk or county clerk of any city or county bordering upon such waters, which clerks are hereby authorized to issue such licenses. The fee for such licenses to be paid to such clerk in advance shall be as follows: For each steam tug, \$25.00; for each gasoline launch, \$15.00; for each sailboat, \$10.00; for each rowboat, \$10.00. And each city or county clerk issuing any license shall be entitled to a fee of 25 cents for each license so issued by him, in addition to the fee above provided for, to be paid by the party applying for such license. Which payment so made shall entitle [entitle] the person making the same to use and operate such steam tug, gasoline launch, sailboat or row boat, at such time as prescribed by this Act. The license fee above provided for shall be paid by the said clerk to the State Treasurer at the end of each month, and shall be placed to the credit of a fund to be known as the State fish protection fund, and shall be distributed by the State Treasurer on warrants signed by the State Fish Commissioners, approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer. And said

license [shall] expire on the 1st day of June following its issue: *Provided*, that nothing herein contained shall be construed as limiting or restraining the right of any person to fish at any time with a hook and line without any license.

APPROVED June 15, 1909.

#### PROTECTION OF GAME.

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| <p>§ 1. Amends sections 1, 2, 3, 6, 8, 9, 10, 16, 17, 18, 25, 27, 28, and 29 and repeals section 31, Act of 1903.</p> <p>§ 1. When, where and what game may be killed—penalty.</p> <p>§ 2. When unlawful to bring or have in possession—penalty.</p> <p>§ 3. What birds not to be killed—penalty—protection of fruit—game birds.</p> <p>§ 6. Selling, etc., after five days—penalty—proviso.</p> <p>§ 8. Prosecutions—disposition of fines.</p> <p>§ 9. When prosecutions to be commenced.</p> <p>§ 10. What not to be killed for ten years—exception.</p> | <p>§ 16. State Game Commissioner—game wardens.</p> <p>§ 17. Powers and duties of game wardens and deputies.</p> <p>§ 18. Compensation of Game Commissioner—salaries and expenses of game wardens—game protection fund—propagating farm.</p> <p>§ 25. License to hunt—fee—how obtained—aggregate number taken or killed—penalty.</p> <p>§ 27. Prosecutions—how brought.</p> <p>§ 28. Hunting on grounds of another.</p> <p>§ 29. Penalty for violating section 28.</p> <p>§ 29½. Repeals section 31.</p> |
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(HOUSE BILL No. 658. APPROVED JUNE 15, 1909.)

AN ACT entitled "*An Act to amend sections one (1), two (2), three (3), six (6), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), eighteen (18), twenty-five (25), twenty-seven (27), twenty-eight (28), twenty-nine (29), and to repeal section thirty-one (31) of an Act entitled, 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto;'*" approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one (1), two (2), three (3), six (6), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), eighteen (18), twenty-five (25), twenty-seven (27), twenty-eight (28), twenty-nine (29), of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act of May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

§ 1. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare, destroy or attempt to hunt, kill, net, entrap, ensnare or destroy, or have in possession any Bobwhite quail from the 10th day of December to the 10th day of November (both inclusive) of each succeeding year; nor more than twelve by one person in one day; or any ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican Blue quail, California Mountain quail, California Valley quail, Hungarian partridge, Capercalzie or Heath grouse (Black grouse), for the period of four years from and after July 1, 1907; or any Wood cock or Mourning dove from the 30th day of November to the first day of August (both inclusive) of each succeeding year; or any Gray, Red fox or Black squirrel from the 15th day of November to the first day of June of each succeeding year; or any of the order of the Limicolæ or shore birds, commonly known as the Jack snipe, Wilson's snipe, Sand snipe, or any kind of snipe, or any Golden plover, Upland plover, or any kind of plover, from the first day of May to the first day of September (both inclusive) of any year, nor more than fifteen by one person in one day. And it shall be unlawful to kill, hunt, ensnare, entrap, or attempt to kill, hunt; ensnare, entrap or otherwise destroy any wild goose, duck, brant, coot (mud hen), rail or other water fowl at any time from the 15th day of April to the 1st day of September (both inclusive) of each year. And it shall be unlawful to hunt, kill, entrap, ensnare, or attempt to hunt, kill, entrap, ensnare, or otherwise destroy any wild goose, duck, brant, coot, rail or other waterfowl between the sunset of any day and the sunrise of the next succeeding day at any period of the year. And it shall further be unlawful at any time to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap or ensnare or otherwise destroy any wild goose, brant, duck, coot, rail or other water fowl from any fixed or artificial ambush beyond the lines of natural covering of reeds, canes, willows, flags, crooked brush, wild rice, or other vegetation above the water of any lake, river, bay or inlet or other water course wholly within the State; or with the aid or use of any device commonly called sneak boat, sink box or other device for the purpose of concealment in the open waters of this State.

And it shall be unlawful to bait or feed or attempt to bait or feed any wild goose, brant, duck, coot, rail or other water fowl with any kind of grain or seeds for the purpose of killing, ensnaring or entrapping, or attempting to kill, ensnare or entrap said fowl within the jurisdiction of this State.

And it shall further be unlawful to shoot, kill or destroy, or attempt to shoot, kill or destroy, any wild goose, duck, brant, coot, rail or other water fowl with a swivel gun or from any sail boat, gasoline or electric launch or steam boat at any time in any part of the water of any lake, river, bay or inlet or other water course wholly within this State: *Provided*, that it shall be unlawful to kill, entrap, ensnare, or otherwise destroy any of the duck, geese, brant, coot, rail or other water fowl, or any of the order of the Limicolæ or shore birds commonly known as Jack

snipe, Wilson's snipe, Sand snipe, or any kind of snipe, or any Golden plover, Upland plover or any kind of plover mentioned in this section, at any time for market or other commercial purposes, nor more than fifteen duck, ten geese, ten brant, twenty coots, twenty rails or other water fowl, by one person in one day.

Any person or persons so offending shall for each and every offense be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than fifteen nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal herein specified shall be deemed a separate offense: *Provided*, that nothing in this section shall be construed to prevent the State Game Commissioner or his wardens or deputies from hunting, ensnaring or entrapping any of the game birds or animals in this section mentioned and transmitting them to other sections of the State: *And, provided, further*, that before hunting, ensnaring or entrapping, said State Game Commissioner, his wardens or deputies, must first obtain the consent in writing of the tenant or land-owners from whose premises said game birds and animals are taken.

§ 2. It shall be unlawful for any person to buy, sell, or have in his or her possession any of the animals, wild fowl or birds mentioned in section 1 of this Act at any time when the killing, trapping, netting and ensnaring of such animals, wild fowl or birds shall be unlawful. And it shall further be unlawful for any person or persons at any time to buy, sell or expose for sale, or to have in his or their possession for the purpose of selling; any wild duck, goose, brant, shore bird, Bobwhite quail, Mexican blue quail, California mountain quail, California valley quail, Hungarian partridge, Capercalzie, Heath grouse (Black grouse), Ruffed grouse or partridge, gray, red fox or black squirrel or wild turkey, except that they shall have been imported from other states as hereinafter provided for, and then only between the first day of October and the first day of February of the following year. And it shall further be unlawful for any person, corporation or carrier to receive for transportation, to transport, carry or convey any of the aforesaid quail, pinnated grouse or prairie chickens, ruffed grouse or partridge, squirrel, duck, goose, brant, shore bird, Hungarian partridge, Capercalzie Heath grouse or wild turkey that shall have been caught, ensnared, entrapped or killed within the limits of this State; and it shall be *prima facie* evidence that the having in possession of the aforesaid game birds or animals that the same were caught, ensnared, entrapped or killed within the limits of this State; or to transport, carry or convey the same to any place where it is to be sold or offered for sale, or to any place outside of this State for any purpose except such person have a license from this State so to do. And any person guilty of violating any of the provisions of this section shall be guilty of a misdemeanor and on



conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and shall stand committed to the county jail not exceeding ten days, or until such fine and costs are paid: *Provided*, that the buying, selling or exposing for sale, having in possession for sale, transporting or carrying and conveying contrary to the provisions of this section of each and every animal or bird forbidden herein shall be deemed a separate offense.

§ 3. Any person who shall, within the State, kill or catch, or have in his or her possession, living or dead, any wild bird, or part of bird, other than a game bird, English sparrow, crow, crow blackbird, chicken hawk or other hawks, blue jay, or who shall purchase, offer or expose for sale, any such wild bird, or part of bird, after it has been killed or caught, shall for each offense, be subject to a fine of five dollars for each bird killed or caught or had in his or her possession, living or dead, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days: *Provided, further*, that nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any such birds or animals when deemed necessary by him for the protection of fruits and property. For the purpose of this Act the following, only, shall be considered game birds: The Anatidæ, commonly known as swan, geese, brant, river and sea ducks; the Ballidæ, commonly known as rail, and the Gallinules and Limicolæ, commonly known as shore birds, plover, surf birds, snipe, wood cock and pipers, tattlers and curlews; the Calinane, commonly known as wild turkey, grouse, prairie chicken, pheasant, partridges, quail and mourning dove.

§ 6. No person or persons shall buy, sell or expose for sale, or have in his or their possession for the purpose of selling or exposing for sale, any of the animals, wild fowl or birds mentioned in section 1 of this Act, after the expiration of five days next succeeding the first day of the period in which it shall be unlawful to kill, entrap or ensnare such animals, wild fowl or birds; nor shall any of such animals, wild fowl or birds be sold or offered for sale during the first two days of the open season. Any person so offending shall, on conviction, be fined and dealt with as specified in section 1 of this Act, and the buying, selling or exposing for sale or having same in possession for the purpose of selling or exposing for sale any of the animals or birds mentioned in this section after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this Act: *Provided*, that the provisions of this section shall not apply to the killing of birds by or for the use of taxidermists for preservation, either in public or private collections, if so preserved: *Provided, further*, that nothing contained in this section shall be construed as modifying or being in conflict with Section 2 of this Act, or authorizing or legalizing the sale or exposing for sale, transportation or receiving for transportation, any of the animals, birds or game as therein prohibited: *And, provided, also*, that the inhabitants of this State may receive game from other States legally

killed, entrapped or ensnared and expose and sell the same on the market between the first day of October and the first day of February of each year.

§ 8. All prosecutions under the provisions of this Act, except as otherwise herein provided, shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this Act, before any justice of the peace of any county, (and said justice may, on proper evidence of guilt, bind said violator over to the grand jury), or before any court of competent jurisdiction; and it is hereby made the duty of the State's attorneys to see that the provisions of this Act are enforced in their respective counties; and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this Act; and it is made the duty of the sheriff, constable and police officers to inform against all persons whom there is a probable cause to believe are guilty of violating any of the provisions of this Act; one-half of the amount recovered in any penal action under the provisions of this Act shall be paid to the person filing the complaint in such action, and the remaining one-half to the Game Protection Fund.

§ 9. All prosecutions under this Act shall be commenced within one year from the time such offense was committed, and not afterward.

§ 10. That it shall be unlawful for any person in the State of Illinois, for and during the period of ten years from the passage of this Act, to injure, take, kill, expose or offer for sale, or have in possession, except for breeding purposes, any wild buck, doe or fawn: *Provided*, that any person who breeds and raises deer for market where the same has been bred and raised within an enclosure, may kill and sell the same from October 1st to February 1st; and for six years from and after the first day of July, 1907, any wild turkey, English ring neck pheasant, Chinese ring neck pheasant, Green Japanese pheasant, Copper pheasant, Soemmering pheasant, Tropagon pheasant, Silver pheasant, Golden pheasant, Reeves pheasant, Elliott pheasant, Hungarian pheasant, Swinhoe pheasant, Amherst pheasant, Melanote pheasant, Impeyan pheasant, Argus pheasant; or any Cacabis and Chucker partridge, or any Sand grouse and Black Indian partridge: *Provided*, that cock pheasants may be killed and sold from the 1st day of November to the 1st day of February of each and every year, by the breeders thereof, upon a permit issued to them by the State Game Commissioner. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail at the rate of one day for each dollar of the fine imposed. The one-half of all the fines imposed and collected under this Act shall be paid to the informer and the balance shall be paid to the State Game Protection Fund.

§ 16. In order that the provisions of this Act may be more fully carried out the Governor of the State shall appoint one State Game Com-

missioner, whose term of office shall be for the period of incumbency of the Governor appointing him, or until his successor is appointed, whose duty it shall be to secure the enforcement of all the statutes of the State for the preservation of game and birds, or bring or cause to be brought, actions and proceedings in the name of the People of the State of Illinois to recover any and all fines and penalties provided for in such laws relating to game and birds and to prosecute all violators of said statute. The Game Commissioner is empowered to appoint by and with the approval of the Governor sixteen game wardens who shall have no other employment or business. They shall devote their entire time to the work of game protection and shall travel over the State in all seasons for this purpose under the direction of the State Game Commissioner. Such appointment shall be for efficient service only and regardless of political influence. The State Game Commissioner is also authorized to appoint two deputy game wardens for each county of the State and as many special deputy game wardens as in his opinion is necessary for the proper enforcement of the law. They shall have authority with the State Game Commissioner in the enforcement of the game laws of the State, relative to game and birds throughout the State, and shall be immediately responsible to the State Game Commissioner, and shall report to and receive their instructions from him. Such game wardens and deputy game wardens shall be subject to removal by the State Game Commissioner at any time.

§ 17. Such State Game Commissioner, game wardens and their deputies shall have full power to execute and serve all warrants and processes of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under the law relating to the game in the same manner as any constable may serve and execute such processes of law issued by any justice of the peace or police magistrate, or by them actually violating any of the provisions of the laws of the State relating to game and birds, and may take such person so offending before any court having jurisdiction of the offense and make proper complaint before such court which shall proceed with the case in the manner and form provided by the law for misdemeanors. It shall further be the duty of such State Game Commissioner, game wardens or their deputies, upon receiving any information that any law relative to game and birds has been violated, to immediately cause a thorough examination of such complaint to be made, and to cause proceedings to be instituted if the proof at hand warrants; and all sheriffs, deputy sheriffs, coroners and police officers of the State shall, each and every one of them, assist the State Game Commissioner, game wardens and their deputies in the enforcement of the State Game Law, the same as it is their duty to assist in the enforcement of other laws and such State Game Commissioner, game wardens and deputy game wardens shall seize on sight, without process, any game found in the possession of any person or corporation which is so in possession contrary to law.

§ 18. Such State Game Commissioner shall receive a salary of twenty-five hundred dollars per year and his actual expenses and disbursements while traveling in the line of his duties, and together therewith the compensation hereinafter provided to be paid him for personally superintending the State Game Farm.

He shall also be allowed such printing, stationery, postage, office rent, office furniture and supplies, clerical and other assistance, not to exceed ten employes, as is necessary to enable him to properly perform the duties of State Game Commissioner and carry out the provisions of this Act.

The game wardens provided for in this Act shall receive nine hundred dollars per annum, payable monthly. In addition to the salary per annum provided for, such game wardens shall receive their actual and necessary expenses incurred while working under the direction of the State Game Commissioner.

The deputy game wardens appointed for any county shall receive a per diem, when actually employed, not exceeding two dollars per day and necessary traveling expenses, to be fixed by the State Game Commissioner. Special game wardens appointed under this Act shall serve without pay, except that they shall receive one-half of all fines recovered for violations of this Act in cases where they have filed the complaint; the remaining one-half of the fine to be paid into the State Game Protection Fund, and in cases where the violator does not pay a fine but is committed to jail, said deputy and special game wardens shall be reimbursed for their actual expenses; but such expenses shall not be paid in any case other than game cases or cases relating to license.

Should the State Game Protection Fund become exhausted during any year the State Game Commissioner shall have the power and authority to suspend any number or all game wardens or deputies until such fund is again replenished.

Should the State Game Protection Fund become exhausted during any Fund, over and above the amount necessary for the operating expenses of the department, the State Game Commissioner shall have the power and authority to use such surplus for the maintenance of a propagating farm for all species of game birds and animals. He is hereby authorized to lease the necessary land for the purpose of propagation, to be known as the State Game Farm, and to raise the necessary food for the game; also to erect and build the necessary fences, buildings, pens and coops for the above mentioned purposes, and as superintendent of the farm he shall be paid one hundred dollars (\$100) per month and living expenses, provided he personally performs the duties. He shall have the authority to engage game keepers and assistants not to exceed one person for every five hundred game birds and animals reared. He is further empowered to purchase foreign and domestic game birds and animals for the purpose of restocking sections of the State where there exists a scarcity of the above mentioned game.

All money used for the payment of salaries, expenses and other disbursements mentioned in this section, including the salary of the State

Game Commissioner, shall be taken from and charged to the State Game Protection Fund, and the Auditor of Public Accounts is hereby authorized and directed to draw warrants for the same upon the presentation of proper vouchers certified to by the State Game Commissioner and approved by the Governor, and the State Treasurer shall pay the same out of the State Game Protection Fund.

§ 25. For the purpose of increasing the State Game Protection Fund and preventing unauthorized persons from killing game and birds, no person or persons shall at any time hunt, pursue or kill with gun, rabbits or any of the wild animals, fowl or birds that are protected during any part of the year without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or village clerk in the following manner, to-wit: The applicant shall fill out a blank application to be furnished by the State Game Commissioner to the clerk of each county, city or village stating name, age, occupation and place of residence of applicant; said application shall be subscribed and sworn to by the applicant before said county, city or village clerk, and it is hereby expressly provided that if said county, city or village clerk fails to administer the oath as herein provided, or antedates any license, he shall be subject to a fine herein provided for each and every offense, the same to be recovered in any court of competent jurisdiction. And said applicant, if a non-resident of the State of Illinois, shall pay to the county clerk the sum of twenty-five dollars as a license fee, together with the sum of fifty cents as the fee of said county clerk for administering the oath to the applicant and issuing said license; and if a resident of the State of Illinois, shall pay to the county, city or village clerk, the sum of seventy-five cents as a license fee, together with the sum of twenty-five cents as the fee of said county, city or village clerk for administering the oath to the applicant and issuing said license. Said license shall bear the signature of the State Game Commissioner and the seal of the county, city or village in which the same is issued and be countersigned by the said clerk. And such licensee, if a non-resident, is hereby authorized to take from the State not to exceed in the aggregate, fifty birds of all kinds killed by himself or herself which shall be carried openly for inspection, together with his or her license. The number of game birds or animals that may be killed in any one day by one person is hereby limited to fifteen ducks, ten geese, ten brant, twenty coots, twenty rails, or other water fowl. The number of the Limicolae or shore birds that may be killed by one person in one day is hereby limited to fifteen, and fifteen game birds of any other one kind, except Bobwhite quail, ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican Blue quail, California Valley quail, California Mountain quail, wild turkey, English Ring neck pheasants, Chinese Ring neck pheasants, Green Japanese pheasants, Copper pheasants, Soemmering pheasants, Tropagon pheasants, Silver pheasants, Golden pheasants, Reeves pheasants, Elliott pheasants, Hungarian

pheasants, Swinhoe pheasants, Amherst pheasants, Melanote pheasants, Impeyan pheasants and Argus pheasants. The number of Mourning doves and squirrels that may be killed in any one day by one person is hereby limited to fifteen.

The license fees above provided for shall be paid by the said clerks to the State Treasurer at the end of each month and shall be placed to the credit of a fund to be known as the State Game Protection Fund, and shall be disbursed by the State Treasurer on vouchers certified to by the State Game Commissioner and approved by the Governor and filed with the Auditor of Public Accounts who shall draw his warrant therefor on the State Treasurer.

Every license issued shall be signed by the licensee in ink, and as aforesaid, shall entitle the person to whom issued to hunt, pursue and kill game within the State at any time when it shall be lawful to hunt, pursue and kill such game, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game or rabbits in this State without at the time of such hunting, pursuing and killing of game he or she shall have such license in his or her name and upon his or her person ready to exhibit the same for inspection, and such license shall be void after the 1st day of June next succeeding its issuance: *Provided*, that the owner or owners of farm lands, their children (if residents of the State), or tenants shall have the right to hunt and kill game on the farm lands of which he or they are the *bona fide* owners or tenants during the season when it is lawful to kill game without procuring such resident license.

Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each and every offense and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois for the recovery of the penalty herein prescribed.

§ 27. All prosecutions for the violation of the provisions of the Act relating to license shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this Act so far as it relates to licenses, before any court of competent jurisdiction; and it is hereby made the duty of all State's Attorneys to see that the provisions of this Act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this Act; and it is made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against all persons whom there is a reasonable cause to believe are guilty of violating any of the provisions of this Act; one-half of the amount recovered in [any] penal action under this Act in so far as it relates to license, shall be paid to the person filing the complaint in such action, and the remaining one-half to the State

Game Protection Fund; the moneys for such fund shall be by the magistrate or court before whom the case is tried at once transmitted to the State Treasurer and placed by him to the credit of said fund.

§ 28. It shall be unlawful for any persons to hunt, with gun or dog, or allow their dogs to hunt, within or upon the grounds or lands of another without first obtaining from the owner, agent or occupant of such lands or grounds his, her or their permission so to do.

§ 29. Any person or persons violating section 28 of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction, forfeit his license and may be prosecuted in the name of the People of the State of Illinois before any justice of the peace or by indictment or information in any court in any county: *Provided*, that in all such prosecutions the owner or owners or persons in possession of said grounds or lands shall not be required to prove title to the grounds or lands in controversy.

§ 29½. Section 31 of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act of May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby repealed.

APPROVED June 15, 1909.

## FORESTRY.

### FOREST PRESERVE DISTRICTS.

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| § 1. Incorporation.   | § 9. Annexing territory.                                     |
| § 2. Board of commissioners.  | § 10. Duties of president — when "yeas" and "nays" required. |
| § 3. Power—officers and employes—salaries.                          | § 11. Civil service.   |
| § 4. Record—report.   | § 12. Acquiring easements, etc.—disposal of land.            |
| § 5. Ordinances, orders and resolutions.                            | § 13. Public buildings — flora and fauna.                    |
| § 6. Pleasure driveways — traffic roadway—speed.                    | § 14. Repeals Act of 1905.                                   |
| § 7. Acquisition of land—tax levy—bonds—limitation of indebtedness. | § 15. Submission to vote—form of ballot.                     |
| § 8. Qualification of members.                                      |  |

(SENATE BILL NO. 358. APPROVED JUNE 16, 1909.)

*AN ACT to provide for the creation and management of Forest Preserve Districts and repealing a certain Act therein named.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That whenever any area of contigu-*

ous territory contains within its boundaries one or more cities, towns or villages and lies wholly within one county, such territory may be incorporated as a forest preserve district in the following manner, to-wit:

Any one thousand legal voters residing within the limits of such proposed district may petition the county judge of the county in which such proposed district lies to cause the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this Act. Such petition shall be addressed to the county judge of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district and the name of such district. Upon the filing of such petition in the office of the clerk of the county court of the county in which such territory is situated, it shall be the duty of such county judge to fix a day and hour for the public consideration thereof, which shall not be less than fifteen days after the filing of such petition and in the event two or more petitions are filed under the provisions of this Act, the public hearing of all said petitions shall be set for the same day and hour. Said county judge shall cause a notice of the time and place of such public consideration to be published three successive days in some newspaper having a general circulation in the territory proposed to be placed in such district, the date of the last publication of such notice shall not be less than five days prior to the time set for such public hearing. At the time and place fixed for such public hearing, said county judge shall sit and hear any person owning property in such proposed district who desires to be heard and shall at such period determine and fix the boundaries of such proposed district as shall to him seem to be for the best interests of all parties concerned. - Should two or more petitions be filed under this Act and come on for hearing at the same time said county judge may include part or all of the territory described in each of said petitions in one district and shall fix such name for said district so defined as to him shall seem appropriate: *Provided, however,* that only one forest preserve district may be created in any county. Upon the determination by said county judge of the territory to be embraced in such district and the name to be given thereto, such county judge shall cause to be entered upon the records of the county court of such county an order fixing and defining the boundaries and the name of such proposed district and thereupon he shall order to be submitted to the legal voters of such proposed district at any special or general election held therein the question of the creation of such proposed district. In ordering such election such county judge shall proceed in the same manner as is provided in the Act governing the organization of cities and villages in unincorporated territory. The returns of such election shall be made to the county judge of such county and shall be canvassed by such county judge, who shall cause a statement of the result of such election to be entered upon the records of the county court of such coun-



ty and if a majority of the votes cast upon such question is found to be in favor of a creation of such forest preserve district, such forest preserve district shall thenceforth be deemed an organized forest preserve district under this Act.

§ 2. All courts shall take judicial notice of all forest preserve districts organized under this Act. The affairs of such district shall be managed by a board of commissioners consisting of a president and four commissioners, all of whom shall be appointed by the president of the board of county commissioners or the chairman of the board of supervisors of the county in which such proposed forest preserve district is situated, by and with the advice and consent of the members of such board. The first appointment shall be made within sixty days after such forest preserve district has been created as provided herein. Each member of such board shall be a legal voter in such district. At the time of the making of the first appointments, the president shall be appointed for a term of four years, two members for a term of two years each and two members for a term of four years each and until their successors are appointed and qualified and at the expiration of the term of the president or any member, his successor shall in like manner be appointed for a term of four years and until his successor is appointed and qualified: *Provided*, that no more than three members of such board shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the constitution.

From the time of the appointment of the first board of commissioners, such forest preserve district shall be construed in law and equity a body corporate and politic by the name and style determined by the county judge as aforesaid and by such name may sue and be sued, contract and be contracted with, acquire and hold real and person [all] estate necessary for its corporate purposes and adopt a seal and alter the same at its pleasure.

§ 3. The board of commissioners appointed in pursuance of the provisions of this Act shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management and conduct of the business and property of such district. Such board shall have power to appoint a secretary and treasurer and such other officers and such employes as may be necessary, all of whom, except the treasurer, shall be under civil service rules and regulations, as provided for by section 11 of this Act.

The president shall receive a salary not to exceed the sum of twenty-five hundred dollars per annum and the salary of other members of the board shall not exceed fifteen hundred dollars per annum. Salaries of the commissioners, officers and employes shall be fixed by ordinance.

§ 4. The board of commissioners shall keep a record of all ordinances and other proceedings which shall be open to the inspection of any person residing in such district at all reasonable and proper times. The

board of commissioners shall report annually to the board of county commissioners or the board of supervisors of the county in which such district is located, the revenues received, expenditures made, land acquired, with the progress of construction work, the condition of the property and such other matters as may have been acted upon by the board during the previous year.

§ 5. All ordinances imposing any fine or penalty or making any appropriation of money, shall within ten days after their passage, be published at least once in some newspaper published in such district or having a general circulation therein to be designated by the board of commissioners and no such ordinance shall take effect until ten days after it is so published. All other ordinances and all orders or resolutions shall take effect from and after their passage unless otherwise provided therein. All ordinances, orders and resolutions and the date of publication thereof may be proven by the certificate of the secretary of such district under the seal of the corporation and when printed in book or pamphlet form and published by authority of such board of commissioners, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances, orders and resolutions as of the date mentioned in such book or pamphlet in all courts and places without further proof.

§ 6. The board of commissioners of any such forest preserve district shall have power to designate by ordinance the whole or any part of any streets, roads, boulevards or other highways within the limits of such district as public driveways to be used for pleasure driving and to improve and maintain the same; also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain such pleasure driveways: *Provided*, that in all cases where traffic teams are excluded from such pleasure driveways there shall be a separate roadway for the use of traffic, teams and vehicles along or parallel to such pleasure driveway, to be kept and maintained at the expense of such district: *And, provided, further*, no such pleasure driveway shall fall within the territory embraced within any public park district of any city, village or incorporated town organized under any law of this State without the consent of the corporate authorities of such park district, city, village or incorporated town. The board of commissioners of such forest preserve district may by ordinance regulate and control the speed of travel on such pleasure driveways and shall prohibit the use of such driveways for racing or speeding purposes and may exclude therefrom traffic teams and vehicles and may, by ordinance, prescribe such fines and penalties for the violation of their ordinances as cities and villages are allowed to prescribe for the violation of their ordinances. The board of commissioners may lay out, extend, maintain and improve pleasure driveways under the provisions of any law authorizing local improvements by cities or villages now or hereafter in force.

§ 7. The board of commissioners of every such district shall have power to acquire by gift, grant, devise or purchase or by condemnation any and all grounds and lands necessary for constructing, building, laying out and maintaining such pleasure driveways and forest preserves as it may deem proper or desirable: *Provided*, no lands thereby acquired shall lie within the limits of any public park district, except upon the consent of the corporate authorities of such park district. The board of commissioners shall have power to raise money by general taxation for the purpose of acquiring, improving and maintaining pleasure driveways and forest preserves and power to borrow money upon the faith and credit of such district and to issue bonds therefor: *Provided, however*, such districts shall not become indebted in any manner or for any purpose, to an amount including existing indebtedness in the aggregate exceeding one per centum of the value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. Before or at the time of issuing any bonds, the board of commissioners shall provide, by ordinance, for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and to pay such bonds as they mature. All bonds issued by any forest preserve district shall be divided into series, the first of which shall mature not later than five years after the date of issue, and the last of which shall mature not later than 20 years after the date of issue.

All general taxes levied by the board of commissioners of any forest preserve district, shall be levied at the same time and in the same manner as taxes are levied for city and village purposes: *Provided*, that the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of interest on and principal of bonded indebtedness, shall not exceed the rate of one mill on each dollar. All moneys collected under the provisions of this Act shall be paid to the treasurer of such district.

§ 8. Whenever any person holding the office of president or commissioner of any such district shall, from any cause, cease to be a legal voter within such district, his office shall thereupon become vacant, and a successor shall be appointed for the remainder of his term as other members of the board of commissioners are appointed.

§ 9. Any territory adjoining any forest preserve district organized hereunder, may become a part of such district in the following manner: Upon the filing with the county judge, of the county in which such district is located, of a petition signed by not less than ten per cent of the legal voters residing within the territory proposed to be annexed, such county judge shall submit at the next general election held in the territory so proposed to be annexed, the question of such annexation, and if a majority of the votes cast upon such question shall be in favor

of such annexation, when such votes are canvassed in the manner provided for the canvass of the votes upon the creation of a forest preserve district, such territory so proposed to be annexed shall become and be a part of such forest preserve district.

§ 10. The president of the board of commissioners of any district organized hereunder, shall preside at all meetings of the board and be the executive officer of such district; he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by such district and perform such other duties as may be prescribed by ordinance; he shall have the right to veto any ordinance: *Provided*, that such veto shall be filed with the secretary of such board within five days after the passage of such ordinance and when so vetoed such ordinance shall not be effective unless the same be again passed by the unanimous vote of all the members of such board. The president shall be entitled to vote only in case of a tie; in the temporary absence or inability of the president, the commissioners may elect from their own number a president *pro tem*.

The "yeas" and "nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditure or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

§ 11. Whenever the county in which any such forest preserve district is located shall be governed by any law regulating its civil service and the method of selecting its employes, in every such case all employes of such forest preserve district except the treasurer shall be selected in the manner provided by the law regulating the civil service in such county and all such employes shall be subject at all times to the provisions of such Act.

§ 12. The board of commissioners shall have power to acquire title to any land abutting on or in the vicinity of such forest preserve district or pleasure driveway, or such easements and rights in or over any such land as may be necessary or appropriate to control the surroundings of such district or pleasure driveways and for such purpose the board of commissioners of such forest preserve district may, by gift, devise, dedication, purchase or condemnation, acquire any lands or easements. In all cases where any such district acquires any land or easements by condemnation, the title thereto shall be in fee simple absolute and such title [shall] not terminate or be defeated by cessation or abandonment of the use for which it was acquired. The board of commissioners of any such forest preserve district may, by ordinance passed by the affirmative vote of all the members of such board, sell and dispose of any lands acquired by such board: *Provided, however*, that no such sale or dis-

posals shall be effective until it is approved by the board of county commissioners or the board of supervisors of the county in which such district is located.

§ 13. The board of commissioners of any forest preserve district organized hereunder, shall have power to acquire and hold lands for the erection and maintenance thereon of public buildings for the use of the general public for recreation and assembly purposes of a general and not of a religious character, and to acquire and hold lands surrounding such buildings, or connected therewith, and to manage, control, improve, maintain and beautify such lands and buildings. Any forest preserve district organized under this Act shall have power to acquire and hold land for the purpose of protecting and preserving the flora and fauna and scenic beauties of the State; to protect and preserve such lands as nearly as may be, in their natural condition for the purpose of the education, pleasure and recreation of the public; to provide and maintain all necessary, convenient and appropriate pleasure driveways, paths, and other means of access to such district.

§ 14. An Act to provide for the creation of forest preserve districts, approved May 18, 1905, in force July 1, 1905, is hereby repealed.

§ 15. This Act shall be submitted to a vote of the legal voters of any of the aforesaid districts at any general or special election. The ballots to be used at said election in voting upon this Act shall be in substantially the following form:

For the adoption of an Act to provide for the creation and management of forest preserve districts and repealing a certain Act therein named.	
Against the adoption of an Act to provide for the creation and management of forest preserve districts and repealing a certain Act therein named.	

If a majority of the legal voters of said districts voting on the question at such election shall vote in favor of consenting to this Act, the same shall thereupon take effect and become operative at once.

APPROVED June 16, 1909.

## GENERAL ASSEMBLY.

### COMPENSATION OF MEMBERS.

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| <p>§ 1. Amends section 1, Act of 1907.</p> <p style="padding-left: 40px;">§ 1. Salary of \$2,000 payable during first regular session—10 cents per mile and \$50 per session for incidentals.</p> | <p>§ 2. Emergency.</p> |
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(SENATE BILL NO. 12. APPROVED FEBRUARY 8, 1909.)

AN ACT to amend section one (1) of "An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois," approved December 6, 1907, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled "An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois," approved December 6, 1907, in force July 1, 1908, be and the same is hereby amended so as to read as follows:

§ 1. That the members of the General Assembly elected in the year 1908 and hereafter elected shall receive for the period for which members of the House of Representatives of the General Assembly are elected, the sum of two thousand dollars (\$2,000) payable during the first regular session of the General Assembly held after the general election for members of the House of Representatives and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government at each session, to be computed by the Auditor of Public Accounts, and also fifty dollars (\$50) per session for each member, which shall be in full for stationery, newspapers, postage and all other incidental expenses.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED February 8, 1909.

## INN-KEEPERS.

### PROTECTION OF INN-KEEPERS.

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| <p>§ 1. Repository for valuables—notice—liability—special contracts.</p> <p>§ 2. Lien upon baggage—auction—notice—deposit of proceeds, etc.</p> | <p>§ 3. Duties of guest—liability of proprietor—unusual values.</p> <p>§ 4. Baggage left by guest.</p> <p>§ 5. Repeals Act of 1861.</p> |
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(HOUSE BILL NO. 318. APPROVED JUNE 9, 1909.)

AN ACT for the protection of inn-keepers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the proprietor of any

hotel in this State shall provide in a convenient place in such hotel a safe or other repository, constructed for the purpose of safe keeping money, jewelry and other valuables of his guests, and shall inform his guests by posting notices in not less than ten conspicuous places in such hotel that he will receive from his guests their money, jewelry and other valuables for deposit in such safe or repository for safe keeping, when requested by them so to do, and such guests shall neglect or fail to deliver and turn over to said proprietor, or to his clerk in charge of such safe or repository such money or jewelry or other valuables for safe keeping, such hotel proprietor shall not be liable for the loss of, nor injury to such money, or jewelry or other valuables, unless such loss or injury shall occur through the fault or negligence of said hotel proprietor, or by his servants or employes in said hotel, and said hotel proprietor shall in no event be liable for the loss of, nor injury to such money or jewelry, or other valuables so delivered to him or to his clerk in charge of said safe or repository, in an amount exceeding the sum of \$250.00, except by special contract in writing between said hotel proprietor and guest, unless such loss or injury shall occur through the fault or negligence of the said hotel proprietor or through his servants or employes in said hotel.

§ 2. Every hotel proprietor shall have a lien upon all the baggage and effects brought into said hotel by his guests for any and all proper charges due him from such guests for hotel accommodations, and said hotel proprietor shall have the right to detain such baggage and effects until the amount of such charges shall have been fully paid, and unless such charges shall have been paid within sixty days from the time when the same accrued, said hotel proprietor shall have the right to sell such baggage and effects at public auction after giving ten days' notice of the time and place of such sale, by publication of such notice in a newspaper of general circulation in the county in which said hotel is situated, and also by mailing, ten days before such sale, a copy of such notice addressed to such guest at his postoffice address, if known to said hotel proprietor, and if not known, then to his place of residence registered by said guest in the register of such hotel; and after satisfying such lien out of the proceeds of such sale, together with any costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, within six months after such sale, on demand, be paid by said hotel proprietor to such guest; and if not demanded within six months from the date of such sale, such residue or remainder shall be deposited by such hotel proprietor with the county treasurer of the county in which such hotel is situated, together with a statement of such hotel proprietor's claim, the amount of costs incurred in enforcing the same, a copy of the published notice, and the amount received from the sale of said property so sold at said sale; and said residue shall, by said county treasurer, be accredited to the general revenue fund of said county, subject to the right of said guest or his

representatives to reclaim the same at any time within three years from and after the date of such deposit with said county treasurer, and such sale shall be a perpetual bar to any action against said hotel proprietor for the recovery of such baggage or property, or of the value thereof, or for any damages growing out of the failure of such guest to receive such baggage or property.

§ 3. It shall be the duty of a guest of any hotel in this State, upon delivering to the proprietor of such hotel, or to his servants, any baggage or other article of property of such guest for safe keeping, elsewhere than to the room assigned to such guest, to demand, and of such hotel proprietor to give, a check or receipt therefor, to evidence the fact of such delivery; and no hotel proprietor shall be liable for the loss of, or injury to, such baggage or other article of property of his guest, unless the same shall have been actually delivered by such guest to such hotel proprietor or to his servants for safe keeping, and a check or receipt demanded therefor to evidence such delivery; and in the event any such baggage so checked shall be lost or injured, said hotel proprietor shall not be liable for such loss or injury in excess of the following amounts respectively:

Trunks and contents .....	\$150 00
Valises and traveling cases and contents .....	50 00
Boxes, parcels and packages and contents .....	10 00
All other miscellaneous effects, including wearing apparel and personal belongings .....	50 00

unless such loss or injury shall have occurred through the negligence of such hotel proprietor, or by his servants or employés in such hotel: *Provided*, that before such guest shall deliver to such hotel proprietor, or his employés, any trunk, valise, traveling case, or other receptacle containing property or effects of special or unusual value for safe keeping or for any purpose, he shall notify such hotel proprietor to that effect, and acquaint such hotel proprietor with the approximate value thereof, and upon his failure so to do, such hotel proprietor shall not be liable to such guest for the loss of or damage to, such contents of such trunk, valise, traveling case or receptacle.

§ 4. Whenever any person shall suffer his baggage or property to remain in any hotel after leaving such hotel as a guest, and after the relation of inn-keeper and guest between such guests and the proprietor of such hotel has ceased, or shall forward the same to such hotel before becoming a guest thereof, and the same shall be received into such hotel, such hotel proprietor, after the lapse of ten days, may, at his option, hold such baggage or property at the risk of such owner, or he shall have the right to deposit such baggage or property in a storage warehouse, in which event he shall take from the proprietor of such storage warehouse a receipt for the same, in the name of the owner thereof, and hold the same for such owner; and such hotel proprietor, after he shall have so deposited such baggage or property in such storage ware-



house, shall not be responsible for the loss thereof to such owner, provided he shall deliver to the owner of such baggage or property said storage warehouse receipt upon demand.

§ 5. That an Act entitled, "An Act for the protection of inn-keepers," approved February 22, 1861, and in force April 24, 1861, be and the same is hereby repealed.

APPROVED June 9, 1909.

## INSURANCE.

### ACCIDENT INSURANCE—DISABILITY AND FUNERAL BENEFITS.

§ 1. Authority—filing and approval of declaration — certificate recorded.

§ 2. Fees.

§ 3. When in force.

(SENATE BILL No. 332. APPROVED JUNE 4, 1909.)

AN ACT to authorize corporations organized to do the business of accident insurance on the assessment plan to amend their certificates of incorporation so as to include among their corporate powers the authority to insure against disability resulting from sickness or disease and to provide a funeral benefit for their members.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any corporation now existing or hereafter organized for the purpose of transacting the business of accident insurance on the assessment plan may amend its articles of incorporation so as to include among its corporate powers the authority to insure against disability resulting from sickness or disease, and to pay to the beneficiaries of its deceased members a funeral benefit which shall not exceed one hundred dollars (\$100) in event of death of any member, by filing with the Insurance Superintendent a declaration of its desire to so amend its articles of incorporation, setting forth the proposed change or amendment, signed and duly acknowledged by a majority of its trustees, directors or managers, whereupon the Insurance Superintendent, if said change or amendment be approved by him, shall file the same, together with his certificate of approval, with the Secretary of State, who shall then issue to said corporation a certificate of such change or amendment under the seal of the State of Illinois, and attach thereto copies of all papers so filed with him by the Insurance Superintendent, and the same shall be recorded in the recorder's office of the county where the original certificate of incorporation was recorded, and such certificate of incorporation shall thereupon be deemed so changed and amended, and such corporation shall thereby be empowered to insure against disability resulting from sickness or disease and to provide such funeral benefit.

§ 2. Each corporation filing the declaration of desire to so amend its articles of incorporation as above shall accompany the same with a fee of ten dollars (\$10.00) to be paid to the Insurance Superintendent, and a fee of four dollars (\$4.00) to be paid to the Secretary of State.

§ 3. This Act shall take effect and be in force from and after its passage.

APPROVED June 4, 1909.

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FIRE INSURANCE—COUNTY COMPANIES, ADDITIONAL TERRITORY.

§ 1. Amends section 10, Act of 1877.

§ 10. As amended, adds proviso.

(HOUSE BILL No. 103. APPROVED JUNE 8, 1909.)

AN ACT to amend section ten (10) of an Act entitled, "An Act to organize and regulate county fire insurance companies," approved June 2, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ten (10) of an Act entitled, "An Act to organize and regulate county fire insurance companies," approved June 2, 1877, in force July 1, 1877, be and the same is hereby amended to read as follows:

§ 10. No such company shall insure any property beyond the limits of the county comprised in the formation of the company, nor shall such company insure any property within the limits of any city containing over twelve thousand (12,000) inhabitants at the time of the organization of such company: *Provided, however,* that any such company may, by the vote of the majority of its members add to the territory covered by such company and in which it may do business, any number of political or congressional townships contiguous thereto, not exceeding ten, and such company may amend its charter as provided by law showing such increase of territory.

APPROVED June 8, 1909.

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FIRE INSURANCE—COUNTY COMPANIES, OFFICERS.

§ 1. Amends section 4, Act of 1877.

§ 4. Election of officers.

(HOUSE BILL No. 36. APPROVED JUNE 10, 1909.)

AN ACT to amend section four of an Act entitled, "An Act to organize and regulate county fire insurance companies," approved June 2, 1877, and in force July 1, 1877, so as to allow persons other than members to be appointed treasurer.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four of an Act entitled, "An Act to organize and regulate county fire insurance companies," approved June 2, 1877, and in force July 1, 1877, be amended so as to read as follows:

§ 4. The directors shall elect from their number a president and shall also elect a secretary and treasurer who may or may not be a member of the company, all of whom shall hold their office for one year, and until their successors are elected and qualified.

APPROVED June 10, 1909.

#### FIRE INSURANCE—INVESTMENTS, LOANS AND RESTRICTIONS.

§ 1. Amends section 8, Act of 1869.

§ 2. Repeal.

§ 8. Purchase and sale of approved bonds, stocks and securities—loans—restrictions.

(SENATE BILL NO. 120. APPROVED JUNE 12, 1909.)

AN ACT to amend section 8 of an Act entitled, "An Act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved and in force March 11, 1869, as amended by Act approved June 19, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 8 of an Act entitled, "An Act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved and in force March 11, 1869, as amended by Act approved June 19, 1891, in force July 1, 1891, be and the same is hereby amended to read as follows:

§ 8. That on and after July 1, 1909, any fire insurance company organized under this Act or incorporated under any law of this State, for the purpose of investing its capital, surplus and other funds, or any part thereof may purchase and hold as collateral security or otherwise, and sell and convey any bonds or public stock issued or created by the United States or by this State, or by any of the other states of the United States, or the District of Columbia, or any or either of them, or by any of the incorporated cities, counties, townships or other municipal corporations thereof, or bonds authorized to be issued by any commission appointed by the Supreme Court of this State, or invest its said capital and surplus and other funds, or any part thereof, in bonds or notes secured by mortgages or trust deed on unincumbered real estate located within said states, or the District of Columbia, or either of them, worth at least double the sum invested or loaned; or lend on or purchase mortgage bonds of railroad companies organized under the laws of said states, or the District of Columbia, or either of them, or operated therein; or the capital stock, bonds, securities or evidences of indebtedness created by any corporation or corporations organized under the laws of the United States, or of this or of any state, except the stock of mining companies and the stock of manufacturing companies, commonly known as "industrials:." *Provided*, that no loan shall be made or re-

tained on any of the above mentioned securities except the bonds or stocks issued or created by the United States, or of this State, exceeding 90 per centum of the market value thereof: *And, provided, further,* that no loans shall be made by any company on its own stock.

No investment or loan shall be made by any such insurance company unless the same shall first have been authorized by the board of directors, or by a committee thereof, charged with the duty of supervising such loan. No such company shall subscribe to or participate in any underwriting of the purchases or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation, nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of the board of directors. This Act shall apply to all investments of the funds of domestic fire insurance companies of every kind and character.

§ 2. Section 8 of the amended Act of 1869, as the same now exists, is hereby specifically repealed.

APPROVED June 12, 1909.

#### FIRE INSURANCE—TOWNSHIP COMPANIES.

§ 1. Amends section 8, Act of 1874.

§ 8. As amended, amount of any one risk limited to \$6,000.

(SENATE BILL No. 49. APPROVED MAY 15, 1909.)

AN ACT to amend section eight of an Act entitled, "An Act to revise the law in relation to township insurance companies," approved March 24, 1874, and in force July 1, 1874, as amended by Act approved May 13, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight of an Act entitled, "An Act to revise the law in relation to township insurance companies," approved March 24, 1874, and in force July 1, 1874, as amended by Act approved May 13, 1905, in force July 1, 1905, be amended so as to read as follows:

§ 8. Such companies may issue policies only on detached dwellings, barns, (except livery, boarding and hotel barns) and other farm buildings, school houses and churches, and such property as may be properly contained therein, also other property on the premises and owned by the insured, also live stock (hay and grain in the stack) on the premises of the insured and anywhere in the territory of the company, for any time not exceeding five years and not to extend beyond the limited duration of the charter, and for an amount not to exceed six thousand dollars on any one risk. Said policies may cover loss of or damage to live stock, harness, vehicles temporarily taken from the territory of the company: *Provided*, said live stock, harness and vehicles be not removed to exceed twenty-five miles from the territory of the company.

All persons so insured shall give their obligations to the company binding themselves, their heirs and assigns, to pay their *pro rata* share to the company of the necessary expenses, and of all losses by fire or lightning, which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also, at the time of effecting the insurance, pay such percentage in cash, and such other charge as may be required by the rules and by-laws of the company.

APPROVED May 15, 1909.

FRATERNAL INSURANCE—HOSPITALS, ETC.

§ 1. Authorizes creation and maintenance of hospitals, etc.,—  
limitation of tax—proviso.

§ 2. Emergency.

(SENATE BILL No. 307. APPROVED MAY 10, 1909.)

AN ACT *authorizing and empowering fraternal beneficiary societies now organized and existing, or hereafter organized, under and by virtue of the laws of the State of Illinois, or any such society organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to create, maintain and operate for the benefit of its sick, disabled or distressed members and their families and dependents, hospitals, asylums and sanatoriums.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be lawful for any fraternal beneficiary society now organized and existing or hereafter organized under and by virtue of the laws of the State of Illinois, or any such society organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to create, maintain and operate, for the benefit of its sick, disabled or distressed members and their families and dependents, out of its general or expense fund, and from any voluntary contributions it may receive therefor, hospitals, asylums or sanatoriums, and for such purpose any such society may own, hold or lease personal property and real property located within or without this State, with necessary buildings thereon: *Provided*, that the amount of the general and expense fund to be expended, as herein provided, shall not exceed such amounts as shall have been or shall be, from time to time, authorized by the legislative or supreme governing body of such society, and in no event to exceed a sum equal to twenty cents (20 cents) per year per member in good standing in any such society, on January 1st of such year: *Provided, further*, that maintenance, treatment and proper attendance in any such hospital, asylum or sanatorium may be furnished free, or a reasonable charge may be made therefor, but no such hospital, asylum or sanatorium shall be operated for profit: *Provided, further*, that no part of the cost or expense of creating, maintaining or operating any such hospital, asylum or sanatorium shall be defrayed or paid out

of the mortuary, sick, disability or benefit funds of any such society: *And, provided, further,* that any fraternal beneficiary society which shall maintain and operate any such hospitals, asylums or sanatoriums under the provisions of this Act shall not be subject to, or in any way restricted by, the provisions of an Act entitled, "An Act empowering fraternal beneficiary societies organized and existing under and by virtue of the laws of the State of Illinois, to create, maintain and operate as a part of their organization, a department for the purpose of providing and furnishing to their sick, disabled and distressed members and their families, free medical, home, sanatorium and hospital service and treatment, and other material aid and assistance, and to create, maintain and disburse for such purposes, a trust fund to be raised by and from voluntary contributions, and declaring such departments to be charitable institutions, and competent as such to be named, and to take, as beneficiary by its members in certain cases," approved May 20, 1907, in force July 1, 1907.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect from and after its passage.

APPROVED May 10, 1909.

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FRATERNAL INSURANCE—REPEAL OF "DELEGATE ACT."

§ 1. Repeals Act of 1907.

(HOUSE BILL NO. 57. APPROVED JUNE 9, 1909.)

AN ACT to repeal an Act entitled, "*An Act defining who may become delegates or who shall have any voice in the management of, or legislate for, any fraternal insurance society doing business in the State of Illinois.*" Approved on May 23, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Act entitled, "*An Act defining who may become delegates or who shall have any voice in the management of, or legislate for, any fraternal insurance society doing business in the State of Illinois,*" approved May 23, 1907, be, and the same is hereby repealed.

APPROVED June 9, 1909.

## FRATERNAL INSURANCE—VISITATION AND INSPECTION.

§ 1. Amends section 12, Act of 1893.

§ 12. Visitation—inquiries —  
annual report — ar-  
rears in claims—in-  
junction — notice —  
penalty.

(SENATE BILL NO. 230. APPROVED JUNE 4, 1909.)

AN ACT to amend section twelve (12) of an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," approved and in force June 22, 1893; as amended by Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section [twelve] (12) of an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," approved and in force June 22, 1893; as amended by Act approved May 16, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

§ 12. All corporations to which this Act is applicable, with their books, papers and vouchers, shall be subject to visitation and inspection by the Insurance Superintendent, or such person as he may designate.

The Insurance Superintendent may address any inquiries to any such corporation in relation to its doings or condition or any other matter connected with its transactions relative to the business contemplated by this Act.

All officers of such corporation shall promptly reply in writing to all such inquiries, under the oath of its president, secretary or other officers if required.

Any society refusing or neglecting to make the annual report, as provided in this Act, shall be excluded from doing business within this State.

Said Insurance Superintendent must, within sixty days after failure to make the annual report required by law, or in case any such society shall exceed its powers or shall conduct its business fraudulently, or shall be three months in arrears in the payment of death or disability claims after the same have been allowed by the board of directors or other person or persons whose duty it is to pass upon such claims; or after

one year's existence, shall have a membership of less than three hundred; or shall fail to comply with any of the provisions of this Act, immediately commence or cause to be commenced an action against such society to enjoin the same from carrying on any business; and an injunction may be granted, upon proper showing by the Insurance Superintendent, in any court of competent jurisdiction in this State; *Provided, however*, that no injunction against any society within this State, or application for or appointment of a receiver, or action to prevent any such society from carrying on business in this State shall be made or granted by any court, except on the application of the Insurance Superintendent or of a judgment creditor, and after written notice duly made and served upon the chief executive officer of such society within this State, or if incorporated under the laws of another state then such notice may be served by sending the same to the president or secretary of the society by registered mail at the home office of the society, and a full hearing before such court, whether the party seeking such relief be the State, member of such society or any other person whatsoever.

No society so enjoined shall have authority to continue business until such report shall be made or every act or violation complained of shall have been corrected, nor until the cost of such action shall be paid by it: *Provided*, the court shall find that such society was in default as charged, whereupon the Insurance Superintendent shall reinstate such society, and not until then shall such society be allowed to again do business in this State. Any officer, agent or person acting for any society or subordinate body thereof within this State and who shall transact any business for such society contrary to the provisions of such injunction or prohibition while such society shall be so enjoined or prohibited from doing business pursuant to this Act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both fine and imprisonment, in the discretion of the court, the provisions hereof to be in effect on and after July 1, 1910.

APPROVED June 4, 1909.

#### INSURANCE SUPERINTENDENT—SALARY.

§ 1. Amends section 2, Act of 1893.

§ 2. As amended, fixes salary at \$5,000 per annum.

(SENATE BILL NO. 42. APPROVED APRIL 26, 1909.)

AN ACT to amend section two of an Act entitled, "An Act to provide for the establishment of an insurance department, and the appointment of an insurance superintendent," approved June 20, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two (2) of an Act entitled, "An Act to provide for the establishment of an insurance de-



partment, and the appointment of an insurance superintendent," approved June 20, 1893, in force July 1, 1893, be, and the same is hereby amended to read as follows:

§ 2. The Insurance Superintendent shall be appointed as follows: Within twenty (20) days after this Act shall take effect the Governor shall appoint a person experienced in matter of insurance as such Insurance Superintendent. He shall hold office until May 1, 1897. During the meeting of the General Assembly in 1897, and every four years thereafter, the Governor, by and with the advice and consent of the Senate, shall appoint a person experienced in matter of insurance an Insurance Superintendent, who shall hold office for a term of four years from the first day of May in the year of his appointment and until his successor is appointed and qualified. Before entering upon the discharge of his duties such Insurance Superintendent shall take and subscribe to an oath of office, to be filed with the Secretary of State, and shall give a bond to the State of Illinois in the penal sum of \$50,000, with sufficient sureties, conditioned for the faithful discharge of his duties and to deliver up all papers, books, records and other property appertaining to his office, whole and safe to his successor in office, and that he will give additional bonds, with sufficient sureties, when legally required, which bond when approved by the Governor of the State, shall be filed with the Secretary of State and he shall receive, in full compensation for his service, an annual salary of five thousand dollars (\$5,000), payable quarterly.

APPROVED April 26, 1909.

#### LIFE INSURANCE—CONSOLIDATION AND REINSURANCE.

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| § 1. Limitation.  | § 5. Certificate of adoption—submission to Insurance Superintendent—refusal. |
| § 2. Terms defined.   |  |
| § 3. Submission of proposition.                             | § 6. Exempts fraternal beneficiary societies.                                |
| § 4. Manner of voting—articles of consolidation—requisites. |  |

(SENATE BILL NO. 53. APPROVED MAY 29, 1909.)

*AN ACT in relation to consolidation and reinsurance by life insurance companies.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That hereafter no life insurance company organized under the laws of this State shall reinsure its risks in any company not authorized to transact business in this State, nor shall any life insurance company organized under the laws of this State consolidate with any other company so organized, or reinsure its risks in a company authorized to transact business in this State, except as hereinafter provided; but nothing herein contained shall prevent any company from reinsuring a fractional part of any single risk in any company.

§ 2. The word "company" when used in this Act shall include any corporation or association authorized to do the business of life insurance on the stock, mutual, stock and mutual, or assessment plan; and the word "member" shall mean the insured under a policy or certificate issued by any company other than a purely stock company.

§ 3. Whenever any life insurance company shall propose to consolidate with or reinsure its risks in any other company the board of directors or trustees may submit the question of such consolidation or reinsurance to the stockholders or members or both (as the case may be) of such company at the regular annual meeting thereof, or may call a special meeting for either of such purposes. Such special meeting shall be called by a majority of said directors or trustees by delivering personally or depositing in the post office at least thirty days before the time fixed for such meeting a notice addressed to each stockholder or member at his last post office address appearing on the records of the company, stating the time, place and object of such meeting.

§ 4. At any such meeting the stockholders or members or both (as the case may be) may vote in person or by proxy, each stockholder to be entitled to one vote for each share of stock held by him, and each member to one vote for each one thousand dollars of insurance held by him: *Provided, however,* that any member holding less than one thousand dollars of insurance shall be entitled to one vote; and votes representing two-thirds of all the stock in the case of purely stock companies, or of two-thirds of all the stock, if any, and of two-thirds of all the votes cast by members represented at the meeting in person or by proxy in the case of other companies, shall be necessary for the adoption of such proposed articles of consolidation or contract of reinsurance. Articles of consolidation shall comprise a copy of the charter of the proposed consolidated corporation setting forth its corporate name; the place where its principal office is to be located; the manner in which its corporate powers are to be exercised; the manner of electing trustees or directors and officers, a majority of whom shall be citizens of this State at the time of such election; the manner of filling vacancies; the amount of capital stock, if any; and such other particulars as may be necessary to explain and make manifest the objects and purposes of the consolidated company and the manner in which it is to be conducted.

§ 5. Upon the adoption of a contract of reinsurance or articles of consolidation at a meeting held in accordance with the provisions of this Act, said contract of reinsurance or articles of consolidation shall be duly executed by the president and attested by the secretary under the corporate seal of each of the contracting or consolidating companies, and thereupon a certificate of the adoption and execution of such contract of reinsurance or articles of consolidation, verified by the affidavit of the president and under the seal of each of said companies, shall be submitted to the Insurance Superintendent. If the Insurance Superintendent, upon examination of such contract of reinsurance or articles

of consolidation, finds the same to be in accordance with the provisions of this Act and not inconsistent with the laws and the constitution of this State and of the United States and that no reasonable objection exists thereto, he shall cause such contract of reinsurance or articles of consolidation to be recorded in a book kept for the purpose, and thereupon such contract of reinsurance or consolidation shall be and is hereby declared to be effected and in force. If the Insurance Superintendent shall refuse to cause such contract of reinsurance or articles of consolidation to be so recorded, he shall, within fifteen days from the date of submission of the same, notify each of said companies in writing of such refusal, assigning his reasons therefor.

§ 6. The provisions of this Act shall not affect or be construed to apply to fraternal beneficiary societies or associations.

APPROVED May 29, 1909.

#### LIFE INSURANCE—POLICY PROVISIONS.

§ 1. Amends section 6, Act of 1907.

§ 6. As amended, adds proviso concerning contracts for both insurance and annuities.

(SENATE BILL No. 508. APPROVED JUNE 10, 1909.)

AN ACT to amend section 6 of an Act entitled, "An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized under the laws of this State, or doing business herein," approved May 20, 1907, in force January 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 6 of an Act entitled, "An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized under the laws of this State, or doing business herein," approved May 20, 1907, in force January 1, 1908, be amended to read as follows:

§ 6. This Act shall not apply to annuities, industrial policies, or to corporations or associations operating on the assessment or fraternal plan: *Provided*, that in every case where a contract provides for both insurance and annuities this Act shall apply to that part of the contract only which provides for insurance, but every such contract providing for a deferred annuity on the life of the insured only shall (unless paid for by a single premium) provide that in the event of the non-payment of any premium after three full years' premiums shall have been paid, the annuity shall automatically become converted into a paid-up annuity for such proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract.

APPROVED June 10, 1909.

## STATE FIRE MARSHAL.

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| <p>§ 1. State Fire Marshal—appointment—duties—bond.</p> <p>§ 2. Deputies—chief assistant.</p> <p>§ 3. Vacancy.</p> <p>§ 4. Additional deputies and office assistants.</p> <p>§ 5. Inspectors.</p> <p>§ 6. Investigation and record of fires.</p> <p>§ 7. Testimony on oath.—arrest—prosecution.</p> <p>§ 8. Powers of Fire Marshall, deputies, etc.—witnesses—records—complaints, etc.</p> <p>§ 9. Right to enter buildings and premises—unsafe conditions—remedy—local regulations.</p> | <p>§ 10. Penalty for violation by any officer.</p> <p>§ 11. Compensation.</p> <p>§ 12. Tax on fire insurance companies—disposition of tax fund.</p> <p>§ 13. Penalty for violation by company or agent—revocation of license.</p> <p>§ 14. Fire Marshal not to engage in other business.</p> <p>§ 15. Annual report to Insurance Superintendent.</p> <p>§ 16. Fees for reporting fires—mileage.</p> |
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(SENATE BILL NO. 57. APPROVED JUNE 15, 1909.)

AN ACT creating the office of State Fire Marshal, prescribing his duties and providing for his compensation and for the maintenance of his office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor is hereby authorized and empowered to appoint within sixty days after this Act shall take effect, and every four years thereafter, between the 15th day of January and the first day of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of a vacancy in the office, a suitable person who shall be a citizen of this State, as State Fire Marshal, who shall give bond in the penal sum of five thousand dollars, with not less than two sureties conditioned for the faithful performance of the duties of his office, to be approved by the Insurance Superintendent, who shall devote his whole time to the duties of his office, and who shall hold office until his successor is appointed and qualified, the title of which office shall be State Fire Marshal. Such officer shall keep his office at the capitol in the city of Springfield, and may be removed for cause at any time by the Governor.

§ 2. The State Fire Marshal is hereby empowered and required to appoint two deputy fire marshals to be designated as first and second deputies, and one chief assistant. The duties of said deputies and chief assistant shall be to assist the State Fire Marshal, and such appointees may be removed for cause by the said Fire Marshal.

§ 3. In the event of a vacancy in the office of Fire Marshal, or during the absence or disability of that officer, the first deputy marshal shall perform the duties of the office.

§ 4. The State Fire Marshal is hereby empowered to appoint such additional deputy fire marshals and such office assistants as may be necessary for the proper and efficient conduct of his office.

§ 5. The State Fire Marshal may, in addition to the provisions of section 4, appoint any person as inspector who may be known to him to be competent and skilled in the business of fire insurance and in the inspection of buildings and their contents. Such person shall have all the powers of other deputies to enter and inspect buildings, including their contents and occupancies, as provided under section 9, and it shall be the duty of such inspectors to report to the Fire Marshal any faulty or dangerous conditions found. Such deputy inspectors to be duly commissioned and serve without compensation.

§ 6. The State Fire Marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Fire Marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said Fire Marshal and shall within one week of the occurrence of the fire, furnish to the said Fire Marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said Marshal. The State Fire Marshal shall keep in his office a record of all fire [fires] occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this Act; such record shall at all times be open to the public inspection, and such portions of it as the Insurance Superintendent may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year.

§ 7. The State Fire Marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the

case, and shall report to the Insurance Superintendent as often as such superintendent shall require, his proceedings and the progress made in all prosecutions under this Act, and the result of all cases which are finally disposed of.

§ 8. The State Fire Marshal, deputy State fire marshals and chief assistant fire marshal, shall each have power in any county in the State of Illinois to summon and compel the attendance of witnesses before them, or either of them to testify in relation to any matter which is by the provisions of this Act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Said State Fire Marshal, deputy State fire marshals and chief assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them, and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said State Fire Marshal, deputy State fire marshals or assistant fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the State Fire Marshal, deputy State fire marshal or chief assistant fire marshal, or either of them, to make complaint against said person or persons so refusing to comply with the summons or order of said State Fire Marshal, deputy State fire marshals or chief assistant fire marshal, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this Act shall be fined in a sum not exceeding twenty-five dollars (\$25.00) and imprisoned until such fine is paid: *Provided, however*, that any person so convicted shall have the right of appeal. Said State Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day or night, in the performance of the duties imposed by the provisions of this Act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of said State Fire Marshal may, in his discretion, be private, and persons other than those required to be present by the provisions of this Act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

§ 9. The State Fire Marshal, his deputies and assistants, the chief of the fire department of all villages and cities where a fire department is established, and the mayor of cities or villages where no fire department exists, and the clerks of each township in the territory without the limits of an organized city or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any said officers shall find any building, or other structure which, for want of proper repair, or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever any such officers shall find in any building, or upon any premises combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises: *Provided, however*, that if the said occupant or owner shall deem himself aggrieved by such order, he may, within ten days, appeal to the State Fire Marshal and the cause of complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities above specified shall be punished by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each day's neglect; such penalty to be sued for in the name of the People of the State of Illinois, upon the complaint of the fire marshal, assistant fire marshal, or the State's attorney, or of any officer named herein, in the county in which such building or buildings shall be situated, before any justice of the peace or in any court of record, with right of appeal, and such penalty when recovered shall be paid into the county treasury of the county wherein such recovery is had: *Provided, however*, that in municipalities having building inspection and fire limits ordinances, nothing herein shall be construed to effect such local regulations, but the jurisdiction of the State Fire Marshal shall in such cases be concurrent with that of the municipal authorities.

§ 10. Any officer referred to in section six herein who neglects to comply with any of the requirements of this Act, shall be punished by a fine of not less than twenty-five [dollars] (\$25.00) nor more than two hundred dollars (\$200.00), to be recovered as provided in section nine of this Act.

§ 11. The State Fire Marshal shall receive an annual salary of \$3,000, the assistant fire marshal, \$1,800; first and second deputy fire marshals, \$1,500 each. Said fire marshal shall employ additional deputies, clerks and assistants and incur such other expense as may

be necessary in the performance of the duties of the office, not to exceed, including salaries, such sum as may be paid to the Insurance Superintendent in the manner hereinafter provided.

§ 12. For the purpose of maintaining the office of the State Fire Marshal and paying the expenses incident thereto, every fire insurance company, whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Insurance Superintendent of the State of Illinois in the month [of] February annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-fourth of one per cent of the gross premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Insurance Department, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Insurance Superintendent the gross premiums received for the year or portion of year preceding, and shall, during the said month of February of each year, pay to the Insurance Superintendent such amount as may be assessed, not exceeding one-fourth of one per cent of such gross premium receipts, as hereinbefore provided. The Superintendent of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said office of fire marshal and the expense incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the Department of Fire Marshal shall be carried forward to the next fiscal year and the next assessment correspondingly reduced. The said fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State.

§ 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of section 12 of this Act, shall be subject to a penalty of not less than one hundred dollars (\$100.00) nor exceeding five hundred dollars (\$500.00), recoverable in an action of debt at the suit of the Attorney General, Insurance Superintendent or State's attorney of the county in which the principal office of the firm,



association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Insurance Superintendent and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had.

§ 14. The State Fire Marshal shall not engage in any other business and he, or one of his deputies, shall at all times be at the office of the fire marshal ready for such duties as are required by this Act.

§ 15. The fire marshal shall submit annually, as early as consistent with full and accurate preparation, and not later than the first day of February in each year, a detailed report of his official actions to the Insurance Superintendent, and there shall be included in the annual report of such Insurance Superintendent such portion of the report of the said fire marshal as shall be deemed desirable by such Insurance Superintendent.

§ 16. There shall be paid to the chiefs of fire departments, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this Act required to report fires to the State Fire Marshal, the sum of fifty cents for each fire so reported to the satisfaction of the State Fire Marshal, and in addition thereto mileage at the rate of fifteen cents per mile for each mile traveled to the place of fire. Said allowance shall be paid by said State Fire Marshal at the close of each fiscal year out of any funds appropriated for the use of the office of said State Fire Marshal.

APPROVED June 15, 1909.

## LANDLORD AND TENANT.

### DEMAND OF RENT—SUIT FOR POSSESSION.

§ 1. Amends section 8, Act of 1873.

§ 8. As amended, claim for rent may be joined in complaint.

(SENATE BILL NO. 436. APPROVED JUNE 5, 1909.)

AN ACT to amend section 8 of "An Act to revise the law in relation to landlord and tenant," approved May 1, 1873, in force July 1, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 8 of "An Act to revise the law in relation to landlord and tenant," approved May 1, 1873, in force July 1, 1873, be and the same is hereby amended to read as follows:

§ 8. That a landlord or his agent may, any time after rent is due, demand payment thereof and notify the tenant, in writing, that unless

payment is made within a time mentioned in such notice, not less than five days after service thereof, the lease will be terminated. If the tenant shall not within the time mentioned in such notice, pay the rent due, the landlord may consider the lease ended, and sue for the possession under the statute in relation of [to] forcible entry and detainer, or maintain ejectment without further notice or demand. And a claim for rent may be joined in the complaint, and judgment obtained for the amount of rent found due, in any action or proceeding brought, in an action of forcible entry and detainer for the possession of the demised premises, under this section.

APPROVED June 5, 1909.

#### LEASING OF DWELLING HOUSES, ETC.

§ 1. Provision prohibiting children unlawful.

§ 3. Repeal.

§ 2. Penalty.

(HOUSE BILL NO. 401. FILED JUNE 16, 1909.)

*AN ACT regarding the leasing of dwelling houses, flats and apartments, and defining certain offences in connection therewith and providing a penalty for the violation thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall hereafter be deemed unlawful and opposed to public policy upon the part of any owner or agent of any dwelling house, flat or apartment, desiring to rent, lease or let the same, to require as a condition precedent to the leasing of any dwelling house, flat or apartment, that the person or persons desiring so to lease such dwelling house, flat or apartment shall have at the time such application is made for the leasing or renting of such dwelling house, flat or apartment no children under the age of 14 years residing in their families, and it shall be deemed unlawful and opposed to public policy to insert in any lease or agreement for the letting or renting of any dwelling house, flat or apartment, a condition terminating said lease if there are or shall be any such children in the family of any person holding such lease and occupying such dwelling house, flat or apartment, and any such contract or lease containing such provision shall be deemed opposed to public policy and entirely void as to such provision.

§ 2. Any person, company, corporation or association violating any of the provisions of section one of this law shall be deemed guilty of a misdemeanor and upon conviction shall be adjudged to pay a fine of not less than \$50.00 nor more than \$100.00 for each and every offense.

§ 3. Any and all Acts and parts of Acts in conflict herewith are hereby repealed.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## LIBRARIES.

### FREE PUBLIC LIBRARIES—BOARD OF DIRECTORS.

§ 1. Amends section 5, Act of 1872.

§ 5. Organization of board of directors—powers — funds.

(SENATE BILL NO. 419. APPROVED JUNE 3, 1909.)

AN ACT to amend section 5 of an Act entitled "*An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,*" approved and in force March 7, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 5 of "*An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,*" approved and in force March 7, 1872, be and the same is hereby amended to read as follows:

§ 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this Act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said library, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this Act, in establishing and maintaining a public library and reading room.

APPROVED June 3, 1909.

## FREE PUBLIC LIBRARIES—TAX LEVY BY CITIES.

§ 1. Amends section 1, Act of 1872.

§ 1. Council may establish library — rate of library tax limited — library tax excluded from aggregate amount as fixed by section 1, article 8 of city and village Act.

(HOUSE BILL NO. 75. APPROVED JUNE 14, 1909.)

AN ACT to amend section 1 of an Act entitled, "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and as amended, be and the same hereby [is] amended so as to read as follows:

§ 1. That the city council of each incorporated city, whether organized under general law or special charter shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one and two-tenths mills on the dollar annually on all the taxable property in the city: *Provided*, that in cities of over one hundred thousand inhabitants, after the year 1896, such tax shall not exceed six cents on one hundred dollars annually, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as a library fund: *Provided*, that said annual library tax in cities of over two thousand inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An Act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory Acts thereto, or by any provision of any special charter under which any city in this State is now organized.

APPROVED June 14, 1909.

## STATE LIBRARY—LIBRARY EXTENSION COMMISSION.

§ 1. Adds sections 10, 11 and 12 to Act of 1874.

§ 11. Duties—library organizer.

§ 10. Library extension commission—appointment—expenses.

§ 12. Traveling libraries — clearing house.

(SENATE BILL NO. 375. APPROVED JUNE 14, 1909.)

AN ACT to amend an Act entitled, "An Act to revise the law in relation to the State library," approved February 25, 1874, in force July 1, 1874, by adding three new sections to be known as sections 10, 11 and 12.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An Act to revise the law in

relation to the State library," approved February 25, 1874, in force July 1, 1874, be amended by adding the following sections to be known as sections 10, 11 and 12.

§ 10. That the commissioners of the State library be and they are hereby authorized and empowered to appoint two persons who, together with the State Librarian, shall constitute a board to be known as the "Illinois Library Extension Commission" of which the State Librarian shall be *ex officio* chairman.

The length of the term of office of the appointive members of such commission shall be for two years and until their successors are appointed and qualified, the first term beginning on the first day of July, 1909; but of the two appointed in the first instance one shall be appointed for one year, and one for two years, and thereafter one member shall be appointed each year. No member of such commission shall be compensated for his services, but the traveling expenses of the members in attending meetings of the commission or establishing libraries, and other incidental and necessary expenses connected with the work of the commission shall be paid.

§ 11. The Library Extension Commission shall give advice and information to the librarian or trustees of any existing public library, or to any person or community interested in starting a new public library, concerning the organization, maintenance, or administration of said library and it shall appoint a library organizer, one of whose duties shall be to furnish such advice and information. Such library organizer shall keep informed of the condition, scope and methods of work of the various public libraries of the State, visiting the same as occasion may require, shall assist as far as practicable in promoting and starting new libraries, and at the end of each fiscal year shall make a report of the general library conditions in the State to the Library Extension Commission.

§ 12. The commission shall operate traveling libraries specially given or bought for such purpose, and loan such libraries to any library in the State, or to any community or organization not yet having an established library, under such conditions and regulations as it shall prescribe. And said commission shall, from time to time, so send out and distribute such books throughout the State, and at suitable intervals change such distributions, in such a manner as to secure to the greatest practicable degree the use and enjoyment of such books to the people of the entire State. The commission may also conduct a clearing house for periodicals for free gift to local libraries, and perform such other public service as may seem to it for the best interests of the State. Said Library Extension Commission shall receive the advice and counsel of the State Library Commission, and shall be under its control.

APPROVED June 14, 1909.

## MARRIAGES.

## CELEBRATION OF MARRIAGES.

§ 1. Amends section 4, Act of 1874.

§ 2. Repeal.

§ 4. As amended, any minister in regular standing may perform ceremony, although not ordained.

(HOUSE BILL NO. 184. APPROVED JUNE 5, 1909.)

AN ACT entitled, "*An Act to amend section four (4) of an Act entitled, 'An Act to revise the law in relation to marriages,' approved February 27, 1874, in force July 1, 1874, as amended by an Act approved May 30, 1881, in force July 1, 1881, as amended by an Act approved May 13, 1905, in force July 1, 1905.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of an Act entitled, "*An Act to revise the law in relation to marriages,*" approved February 27, 1874, in force July 1, 1874, as amended by an Act approved May 30, 1881, in force July 1, 1881, as amended by an Act approved May 13, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows:

§ 4. Marriages may be celebrated either by a minister of the gospel in regular standing in the church or society to which he belongs, by a judge of any court of record, by a justice of the peace, by any superintendent of any public institution for the education of the deaf and dumb in this State, or if the parties or either of them, are members of the religious society known as Friends or Quakers, they may lawfully be married by making known [known] their intentions to marry to a standing committee of any official meeting at least one week before such marriage is consummated, and by appearing in a public meeting or private gathering before official witnesses of said body, with a certificate duly setting forth the names and residence of each contracting party, and of the parents of each, if living, which said certificate shall be signed by the contracting parties and the official witnesses and shall be publicly read by one of the witnessing parties, and afterwards duly recorded upon the records of an organized meeting of said society: *Provided, however,* that all marriages commonly known as "common law marriages" hereafter entered into shall be and the same are hereby declared null and void unless after the contracting and entering into of any such common law marriage a license to marry be first obtained by such parties who have entered into such common law marriage and a marriage be solemnized as provided by this Act in the same manner as is provided for persons who have obtained a license to be joined in marriage and are about to be joined in any such marriage. And any children born to parties who have entered into such common law mar-

riage shall be and are deemed legitimate upon the parents having obtained a license to marry and are married in the manner provided in this Act.

§ 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

APPROVED June 5, 1909.

## MEDICINE AND SURGERY.

### DENTAL SURGERY AND DENTISTRY—REVISION.

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| § 1. Board of examiners.   | § 11. License issued upon certificate of foreign board—proviso. |
| § 2. Organization of board.                                      | § 12. Removal to another state, etc.                            |
| § 3. Who may practice—license—fee—eligibility—examination.       | § 13. Fees for license and certificate.                         |
| § 4. Standard of educational requirements.                       | § 14. Biennial registration — certificate—fee.                  |
| § 5. What regarded as practice.                                  | § 15. Exemption from jury service.                              |
| § 6. Registration of license—fee.                                | § 16. Penalty for unlawful practice.                            |
| § 7. Refusal or revocation of license.                           | § 17. Licenses, how signed and attested.                        |
| § 8. Failure to register license.                                | § 18. Practice under name of company, etc.                      |
| § 9. Examination fee—license fee—compensation of members—report. | § 19. Repeal—proviso.   |
| § 10. Filing license or diploma of another.                      |   |

(SENATE BILL NO. 145. APPROVED JUNE 11, 1909.)

*AN ACT to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal certain Acts therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a board of examiners, to consist of five practicing dentists, to be known as the Illinois State Board of Dental Examiners, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act, as hereinafter specified. The members of said board shall be appointed by the Governor, and at the time of their appointment upon said board, must be actual residents of the State and must have been, for a period of five years, or more, legally licensed to practice dentistry or dental surgery in this State: *Provided, however,* that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. The term for which the members of said board shall hold office shall be five years: *Provided,* that the members of the dental board, in office at the time of the passage of this Act, shall be permitted

to serve out their respective terms of office for which they were appointed, and until their successors shall be duly appointed. In case of a vacancy occurring on said board, such vacancy shall be filled by the Governor, as herein provided.

§ 2. Said board shall choose one of its members president and one secretary thereof, and it shall meet at least once in each year, and oftener if necessary, in the discretion of the board, and at such times and places as it may deem proper. A majority of the members of said board shall, at all times, constitute a quorum, for the transaction of the business of the board, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

§ 3. No person, unless previously registered or licensed to practice dentistry in this State at the time this Act shall become operative, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying for and obtaining a license for such purpose from the Illinois State Board of Dental Examiners. Application shall be made to said board in writing, and shall, in every instance, be accompanied by the examination fee of twenty dollars (\$20), together with satisfactory proof that the applicant is of good moral character and twenty-one years of age or over at the time of making the application. Application from a candidate who desires to secure a license from said board to practice dentistry or dental surgery in this State shall be accompanied by satisfactory proof that the applicant so applying for a license has been engaged in the actual, legal and lawful practice of dentistry or dental surgery in some other state or country for five consecutive years just prior to application; or is a graduate of and has a diploma from the faculty of a reputable dental college, school or dental department of a reputable university; or is a graduate of and has a diploma from the faculty of a reputable medical college or medical department of a reputable university, and possesses the necessary qualifications prescribed by the board. When such application and the accompanying proof are found satisfactory, the board shall notify the applicant to appear before it for examination at a time and place to be fixed by the board. Examination may be made in whole or in part, orally or in writing at the discretion of the board, and shall be of a character as to test the qualification of the applicant to practice dentistry or dental surgery. All examinations provided for in this Act shall be conducted by the board, which shall provide for a fair and wholly impartial method.

§ 4. Said Board of Dental Examiners shall make rules or regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental schools, colleges or dental department of universities, and said board may determine the reputability of those by reference to their compliance with said rules or regulations.

§ 5. Any person shall be regarded as practicing dentistry or dental surgery within the meaning of this Act, who shall treat, or profess to treat any of the diseases or lesions of human teeth or jaws, or extract



teeth, or shall prepare and fill cavities in human teeth, or correct the malposition of teeth, or supply artificial teeth as substitutes for natural teeth: *Provided*, that nothing in this Act shall be so construed as to prevent regularly licensed physicians or surgeons from extracting teeth: *Further*, this Act shall not prevent students from performing dental operations under the supervision of competent instructors within a dental school, college or dental department of a university recognized as reputable by the Illinois State Board of Dental Examiners.

§ 6. Any person licensed to practice dentistry or dental surgery in this State by the Illinois State Board of Dental Examiners, as hereinbefore provided, shall personally and within ninety days from date of issue, cause such license to be registered with the county clerks of such county or counties in which such person desires to engage in the practice of dentistry or dental surgery, and the county clerks of the several counties of this State shall charge for registering such license a fee of twenty-five cents (25c) for each registration: *And it is hereby provided further*, that every person who engages in the practice of dentistry or dental surgery in this State shall cause his or her license to be registered with the county clerk before beginning the practice of dentistry in said county, and to be, at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of the said board or its authorized agent.

§ 7. The board may refuse to issue the license provided for in this Act, or may revoke any license now in force or that shall be hereafter given, if issued to individuals who have, by false or fraudulent representations, obtained or sought to obtain practice or by false or fraudulent representations obtained or sought to obtain money or any other thing of value, or have practiced under names other than their own, or for any other dishonorable conduct. The board, when written charges have been filed with its secretary, and seem sustained by proof, shall fix a time and place for the examination of a person so charged and shall give written notice to the said person of the time and place and furnish him with a copy of the charges, at least twenty days prior to the date fixed for the examination.

§ 8. Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry or dental surgery from the said board, to register such license with the county clerk of some county in this State, as above directed, within ninety days from the date of issue of the same, shall work a forfeiture of such license, and no license when once forfeited, shall be restored, except upon payment to the said board of the sum of fifteen dollars (\$15), for such neglect, failure or refusal to register such license and the surrender of forfeited license.

§ 9. In order to provide the means for carrying out and enforcing the provisions of this Act, the said board shall charge each person applying to it for examination for a license to practice dentistry or dental surgery in this State, an examination fee of twenty dollars (\$20), and in

addition thereto, a license fee of five dollars (\$5), for every license or duplicate license issued by said board, and out of the funds coming into the possession of the board under the provisions of this Act, the members of the said board shall each receive as compensation the sum of ten dollars (\$10), for each day actually engaged in the duties of the office and all legitimate and necessary expense incurred in attending the meetings of the said board: *Provided*, that the secretary of the board, for the purpose of enforcing the provisions of this Act shall receive a salary to be fixed by the board, instead of the per diem of ten dollars (\$10). All expenses shall be paid from the fees, fines and penalties received and recovered by the board under the provisions of this Act: *Provided*, that no part of said expense shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses herein provided shall be held by the secretary of the said board as a special fund for meeting expenses of said board, and said board shall make an annual report of its proceedings to the Governor by the 15th day of December of each year, together with an account of all moneys received and disbursed by them pursuant to this Act.

§ 10. Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification, or qualification, shall be deemed guilty of a felony, and upon conviction thereof, shall be subject to such fine and imprisonment as is made and provided by the statutes of this State for the crime of forgery.

§ 11. The State Board of Dental Examiners may, in its discretion, issue a license to practice dentistry or dental surgery without examination to a legal practitioner of dentistry or dental surgery, who removes to Illinois from another state or territory of the United States, or from a foreign country, in which he or she conducted a legal practice of dentistry or dental surgery for at least five years immediately preceding his or her removal: *Provided*, such applicant present a certificate from the Board of Dental Examiners, or a like board, of the state, territory or country from which he or she removes, certifying that he or she is a competent dentist or dental surgeon, and of good moral character: *And, provided, further*, that such certificate is presented to the Illinois Board of Dental Examiners not more than six months after its date of issue, and that the board of such other state, territory or country shall in like manner, recognize certificates issued by the Board of Dental Examiners of the State of Illinois; presented to such other board by legal practitioner of dentistry or dental surgery from this State, who may wish to remove to or practice in such other state, territory or country.

§ 12. Any one who is a legal and competent practitioner of dentistry or dental surgery in the State of Illinois, and of good moral character and known to the Board of Dental Examiners of this State as such, who desires to change his or her residence to another state, territory, or foreign country, shall upon application to the Board of Dental Examiners, receive a certificate over the signature of the president and secre-

tary of said board, and bearing its seal, which shall attest the facts above mentioned and giving the date upon which he or she was registered and licensed.

§ 13. The fee for issuing a license to a legal practitioner from another state, territory, or foreign country to practice dentistry or dental surgery in this State under section 11 of this Act shall be twenty-five dollars (\$25), and the fee for issuing a certificate to a legal practitioner of this State, under section 12 of this Act, shall be five dollars (\$5), and in each case the fee shall be paid in cash before the license or certificate, respectively, shall be issued.

§ 14. For the purpose of correcting and revising the register of legal practitioners of dentistry, as kept by the State Board of Dental Examiners, it shall be the duty of each person registered, or licensed, by the board to practice dentistry in this State to procure from the secretary of the board, on or before November 1, 1909, and on or before November 1st biennially thereafter, a certificate of registration. Such certificate shall be issued by the secretary upon payment of a fee to be fixed by the board, not exceeding the sum of one dollar. All certificates so issued shall be *prima facie* evidence of the right of the holder to practice dentistry in this State during the time for which they are issued, and the same shall be exposed to public view in the operating room of the holder. Any certificate or license heretofore granted, or that may be hereafter granted, by the board, shall be cancelled if the holder thereof fails to secure the renewal certificate herein provided for within a period of six months after November 1, 1909, and biennially thereafter: *Provided*, that the license or certificate thus cancelled may be restored by the board upon the payment of a fee of twenty dollars without further examination of the holder as to his competency and ability to practice. It shall be the duty of the secretary of the board to mail to each person whose name appears upon the register of said board on or before October 1, 1909, and at the same time biennially thereafter, a printed blank form, to be filled out by the holder of such license or certificate, which shall be returned by such holder to the secretary of the board, properly filled out, together with the fee established by said board for this purpose. The board shall cause a notice to be inserted in not less than three newspapers in the city of Chicago, and two newspapers in the city of Springfield, informing the dentists of this State that such registration will be required. Such notice shall be printed in such newspapers in one of each three successive weeks between the first day of October and the first day of November, 1909, and during the same period biennially thereafter.

§ 15. That all dentists or dental surgeons now legal practitioners of dentistry or dental surgery in this State, or those who may hereafter become such, shall be exempt from service as jurors in any of the courts of this State.

§ 16. Any person who shall practice dentistry in this State without being registered or without a license for that purpose, or violates any

of the provisions of this Act, shall be subject to prosecution before any court of competent jurisdiction upon complaint, information or indictment, and shall, upon conviction, be fined for each offense in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). All fines imposed and collected under this Act shall be paid to the Illinois State Board of Dental Examiners for its use.

§ 17. All licenses issued by the said board shall be signed by all of the members thereof, and be attested by its president and secretary.

§ 18. Any association or company of persons, whether incorporated or not, who shall engage in the practice of dentistry under the name of company, association or any other title, shall cause to be displayed and kept in a conspicuous place at the entrance of its place of business, the name of each and every person employed in said company or association in the practice of dentistry, and any one so employed by said company or association whose name shall not be so displayed as above provided, and the said association or company, if incorporated, or the persons comprising the same, if not incorporated, shall, for the failure to display the aforesaid names, be deemed guilty of a misdemeanor, and upon conviction thereof, each shall be punished as provided in this Act.

Any manager, proprietor, partnership, association or incorporation owning, running, operating or controlling any room or rooms, office or dental parlors, where dental work is done, provided or contracted for, who shall employ, keep or retain any unlicensed person or dentist as an operator; or,

Who shall fail, within ten days after demand made by the secretary of the Illinois State Board of Dental Examiners, in writing sent by registered mail, addressed to any such manager, proprietor, partnership, association or incorporation at said room, office or dental parlor, to furnish to said secretary the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry, shall be guilty of a misdemeanor and subject to the penalties provided for in this Act: *Provided, however*, that such sworn statement shall not be used as evidence in any subsequent court proceeding.

§ 19. "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Illinois," approved May 30, 1881, and in force July 1, 1881, and 'An Act to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal an Act therein named,' approved May 18, 1905, and in force July 1, 1905, and all other Acts and parts of Acts amendatory of either of said Acts, are hereby repealed: *Provided, however*, that such repeal shall in no wise affect any suit, prosecution, or court proceeding pending at the date of the passage of this Act, or the right of the State Board of Dental Examiners created under either of said Acts or the board created by this Act, to claim or receive any moneys paid in by way of fine or license fee, and the board created by this

Act shall have the power and authority to use any funds received by it in discharging any obligation of the board or boards existing under the Acts above repealed.

APPROVED June 11, 1909.

VETERINARY MEDICINE AND SURGERY—FEES AND EXPENSES OF EXAMINERS.

§ 1. Amends section 6, Act of 1899.

§ 6. As amended, provides for approval of vouchers by Governor.

(HOUSE BILL No. 157. APPROVED JUNE 8, 1909.)

AN ACT to amend section 6 of "An Act to regulate the practice of veterinary medicine and surgery in the State of Illinois," approved April 24, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 6 of "An Act to regulate the practice of veterinary medicine and surgery in the State of Illinois," approved April 24, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 6. Each member of the Board of Veterinary Examiners shall be entitled to receive five dollars (\$5.00) per day and necessary traveling and incidental expenses incurred while actually engaged in the discharge of his official duties under the direction of the State Board of Live Stock Commissioners. Said compensation and all expenses involved in carrying out the provisions of this Act shall be paid out of the fees and penalties received under the provisions of this Act, and no part thereof shall be paid from the State treasury. The State Board of Live Stock Commissioners shall designate a custodian to receive all fees and penalties paid under the provisions of this Act, who shall execute a bond to said board in such sums as shall be prescribed from time to time by said board and subject to the approval of said board, to faithfully discharge the duties of custodian, and shall pay out such sums only on vouchers certified by a majority of said board and approved by the Governor of the State of Illinois.

APPROVED June 8, 1909.

## MINES.

## COAL MINES—MINERS' EXAMINING BOARDS.

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| <p>§ 1. Revises Act of 1908.</p> <p>§ 1. Miner's certificate of competency —exemptions.</p> <p>§ 2. Miners' examining board —appointment — organization —compensation.</p> <p>§ 3. Meeting place—notice—book of registration.</p> | <p>§ 4. Examination fee—report —funds.</p> <p>§ 5. Time of meeting—examinations — record of proceedings, etc.</p> <p>§ 6. Violations—penalties.</p> <p>§ 7. Complaints — investigations—prosecutions.</p> <p>§ 8. Administration of oath.</p> |
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(SENATE BILL NO. 251. APPROVED JUNE 5, 1909.)

AN ACT to amend an Act entitled, "*An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and providing penalties for the violation of the same,*" approved June 1, 1908, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled "*An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and provide [providing] penalties for the violation of the same,*" approved June 1, 1908, and in force July 1, 1908, be and the same is hereby amended to read as follows:

§ 1. That hereafter no person whosoever shall be employed or engaged as a miner in any coal mine in this State without having first obtained a certificate of competency and qualification so to do from a "Miners Examining Board" of some county in this State: *Provided*, that any miner actually employed in this State when this Act becomes effective, who has been employed as a miner at least two years in coal mines, shall be entitled to a certificate permitting him to work in the mines of this State as a practical miner: *And, provided, further*, that any such certificated miner may have one uncertificated person working with him and under his direction for the purpose of learning said business of mining and becoming qualified to obtain a certificate in conformity with the provisions of this Act.

§ 2. In each county of this State where the business of coal mining is carried on, there shall be created a board to be styled "The Miners' Examining Board," to consist of three practical, experienced and skilful miners of at least five years' continuous experience, who are then actually engaged in mining coal in the county for which they are appointed. Such appointments shall be made by the county judges in their respective counties immediately after this Act shall be in effect, and on or

before the 10th day of January in each year thereafter, and all vacancies in said board shall be at once filled by the county judge of the county in which such vacancy occurs.

Each of said boards shall organize by electing one of the members president, and one member secretary; and every member of said board shall, within ten days after his appointment, take and subscribe an oath or affirmation before a properly qualified officer of the county in which he resides, that he will honestly and impartially discharge his official duties; each of said boards shall provide itself with an impression seal, having engraved thereon the name of said board and the county for which it is appointed.

Members of said board shall receive, as compensation for their services, three and fifty-one-hundredths dollars (\$3.50) per day for each day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, under the provisions of this Act, and no part of the salary of the members of said board, or the expenses thereof, shall be paid out of the State treasury except as herein provided.

§ 3. Each of said examining boards shall designate some convenient meeting place in their respective counties, of which due notice shall be given by advertisement in two or more newspapers of the proper county. At such meeting a book of registration shall be open in which shall be registered the name and address of each and every person to whom said board shall issue a certificate of competency under this Act.

§ 4. Each applicant for examination for the certificate herein provided, shall pay a fee of one dollar, and the amount derived from this source shall be held by said boards respectively and applied to the expense and salaries herein provided, and such as may arise under the provisions of this Act. The said boards shall report in writing quarterly to the court appointing them, all moneys received and disbursed under the provisions of this Act, together with the number of miners examined under this Act and the number failing to pass the required examination.

All moneys over and above the amount required to pay the salaries of the members of said board in their respective counties, and their necessary actual expenses while in the performance of their duty as such board shall be paid to the State Treasurer on the second Wednesday of each and every month, and the same shall be paid out by said State Treasurer only upon warrants issued by the county judge of the county for which such board was appointed.

Said warrants shall show on their face that they are for the payment of the salary and necessary actual expenses of the members of said board in such county.

§ 5. It shall be the duty of said boards respectively to meet on the first Wednesday of each month and to remain in session for a period of two days and no longer, and said meeting shall be public. The said board shall examine under oath all persons residing in the county in which said board resides who apply for certificates as provided in this Act, and said board shall grant such certificates of competency or quali-

fications to such applicants as are qualified, which certificates shall entitle the holders thereof to be employed as, and to do the work of miners in any county in this State, without other or further examination.

No certificate of competency shall issue or be given to any person under this Act unless he shall produce evidence of having had not less than two years of practical experience as a miner or with a miner, and in no case shall an applicant be deemed competent unless he appear in person before the said board and orally answer intelligently and correctly at least twelve practical questions propounded to him by the board pertaining to the requirements and qualifications of a practical miner. The said board shall keep an accurate record of the proceedings of their meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers and at each of these meetings the board shall keep said record open for public inspection. Any miner's certificate granted under the provisions of this Act shall not be transferable and any transfer of the same shall be deemed a violation of this Act. Such certificates shall be issued only at meetings of said boards, and said certificates shall not be legal unless then and there signed by at least two members of said board, and sealed with the seal of the board issuing the certificates.

§ 6. That no person shall hereafter engage as a miner in any coal mine without having obtained such certificate as aforesaid. And no person shall employ any person as a miner who does not hold such certificate as aforesaid, and no mine foreman or superintendent shall permit or suffer any person to be employed under him, or in the mines under his charge and supervision as a miner except as herein provided, who does not hold such certificate. Any person or persons who shall violate or fail to comply with the provisions of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars and not more than five hundred dollars, or shall undergo imprisonment in the county jail for a term of not less than thirty days and not to exceed six months, or both, at the discretion of the court.

§ 7. It shall be the duty of the several miners' examining boards to investigate all complaints or charges of non-compliance or violation of the provisions of this Act, and to prosecute all persons so offending; and it shall be the duty of the prosecuting attorney of the county wherein the complaints or charges are made to investigate the same and prosecute all persons so offending, and it shall at all times be the duty of such prosecuting attorney to prosecute such members of the miners' examining board as have failed to perform their duty under the provisions of this Act. Upon conviction of any member of the miners' examining board for any violation of this Act, in addition to the penalties herein provided, his office shall be declared vacant, and he shall be deemed ineligible to act as a member of the said board.

§ 8. For the purpose of this Act, the members of the said miners' examining board shall have the power to administer oaths.

APPROVED June 5, 1909.



## NEGOTIABLE INSTRUMENTS.

## LEGAL HOLIDAYS—"COLUMBUS DAY."

§ 1. Amends section 17, Act of 1874.

§ 17. As amended, October 12th, "Columbus Day," declared a legal holiday.

(SENATE BILL NO. 9. APPROVED MAY 10, 1909.)

AN ACT to amend section seventeen (17) of an Act entitled, "An Act to revise the law in relation to promissory notes, bonds, due bills, and other instruments in writing," approved March 18, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section seventeen (17) of an Act entitled, "An Act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, in force July 1, 1874, be amended to read as follows:

§ 17. The following days, to-wit: The first day of January, commonly called New Year's Day, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twelfth day of October, commonly called Columbus day, the twenty-fifth day of December, commonly called Christmas day, the first Monday in September, to be known as Labor day, the twelfth day of February, any day appointed or recommended by the Governor of this State or by the President of the United States as a day of fast or thanksgiving, and in cities of 200,000 inhabitants or more from 12:00 o'clock noon to 12:00 o'clock midnight of the last day of the week, commonly called Saturday, are hereby declared to be legal holidays and half holidays, the term half holiday including the period from noon to midnight of each Saturday which is not a holiday, and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, the maturity and protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and other negotiable or commercial paper or instruments, be treated and is considered as is the first day of the week, commonly called Sunday. When any such holidays fall on Sunday, the Monday next following shall be held and considered such holiday. All notes, bills, drafts, checks, or other evidence of indebtedness, falling due or maturing on either of said days, shall be deemed as due or maturing upon the day following, and when two (2) or more of these days come together, or immediately succeeding each other, then such instruments, paper or indebtedness shall be deemed as due or having matured on the day following the last of such days.

APPROVED May 10, 1909.

## NOTICES.

### PUBLICATION OF LEGAL NOTICES.

§ 1. Term "newspaper" defined.

(HOUSE BILL NO. 587. APPROVED JUNE 8, 1909.)

*AN ACT concerning the publication of legal notices.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever it is required by law that any legal notice or publication shall be published in a newspaper in this State, it shall be held to mean a newspaper that has been regularly published for at least six months prior to the first publication of said notice.

APPROVED June 8, 1909.

## PARKS.

### ADDITIONAL TAX UNDER ACT OF 1873.

§ 1. Amends section 1, Act of 1873.

§ 1. One and one-half mill tax authorized.

(HOUSE BILL NO. 76. APPROVED JUNE 14, 1909.)

*AN ACT to amend section 1 of an Act entitled, "An Act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May 2, 1873, in force July 1, 1873, and as amended.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May 2, 1873, in force July 1, 1873, and as amended, be and the same hereby is amended so as to read as follows:

§ 1. That persons who have been or may be appointed or otherwise selected as commissioners or officers and constituted a board of public park commissioners for any town, and in pursuance of any Act or Acts of the General Assembly of this State which has or may be submitted to the legal voters of any town and by them adopted, for the purpose of locating, establishing, inclosing, improving or maintaining any public parks, boulevards, driveways, highways or other public work or improvement, shall, in addition to the amount of money now authorized to be raised by any such board of park commissioners by taxation on the property embraced in such park district in such town, be annually allowed a sum not exceeding one and a [one]-half mills on the dollar on the

taxable property in said town and embraced within such park district according to the valuation of the same as made for the purposes of State and county taxation, to be used and expended by such board of park commissioners in governing and maintaining and improving such parks and boulevards or pleasure ways and paying other necessary and incidental expenses incurred in and about the management of such parks and boulevards.

APPROVED June 14, 1909.

ADDITIONAL TAX UNDER ACT OF 1893.

§ 1. Amends section 1, Act of 1893.

§ 1. One and two-tenths  
mills tax authorized  
—how collected and  
disbursed.

(HOUSE BILL No. 77. APPROVED JUNE 14, 1909.)

AN ACT to amend section 1 of an Act entitled, "An Act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1893, in force July 1, 1893, and as amended May 18, 1905, in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 1 of an Act entitled, "An Act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1893, in force July 1, 1893, as amended May 18, 1905, in force July 1, 1905, be and the same hereby is amended so as to read as follows:

§ 1. That persons who have been or may be appointed or otherwise selected as commissioners or officers and constituted a board of park commissioners for any town, and in pursuance of any Act or Acts of the General Assembly of this State which has or may be submitted to the legal voters of such town and by them adopted, for the purpose of locating, establishing, enclosing, improving or maintaining any public parks, boulevards, driveways, highways or other public work or improvement, shall in addition to the amount of money now authorized to be raised by any such board of park commissioners by taxation on the property embraced in such park district in such town, be annually allowed a sum not exceeding one and two-tenths mills on the dollar of the taxable property embraced within such park district, according to the valuation of the same, as made for the purposes of State and county taxation, and such additional one and two-tenths mills on the dollar of the taxable property in such town and park district shall be used and expended by such board of park commissioners in governing and maintaining any parks, boulevards or pleasureways under the jurisdiction, management or control of any such board of park commissioners and for paying any other necessary and incidental expenses incurred in and about the management of any such parks and boulevards; and the county clerk of the county in which such park district is located, or such other officer or officers as are authorized by law to spread or assess taxes for park

purposes or other purposes, shall, on receiving a certificate from such board or park commissioners, on or before the 1st day of August in each year, that the amount mentioned in such certificate, not exceeding the amount aforesaid, is necessary for the purpose of governing and maintaining such parks and boulevards and for paying the necessary and incidental expenses incurred in and about the management of the same, spread and assess such amount upon the taxable property embraced in such park district, the same as other park taxes are by law spread and assessed; and the same shall be collected and paid over in the same manner as other park taxes are now required by law to be collected and paid.

APPROVED June 14, 1909.

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#### ADVERTISING STRUCTURES.

§ 1. Advertising structures restricted. | § 2. Penalty.

(HOUSE BILL No. 411. FILED JUNE 16, 1909.)

AN ACT *restricting the erection of structures for advertising purposes near parks and boulevards, and providing a penalty therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person, firm or corporation, to erect, or cause to be erected, a structure of any kind or character within five hundred (500) feet of any public park or boulevard within the limits of any city in this State having a population of one hundred thousand (100,000) or more, for the purpose of placing advertisements of any kind or character thereon; and that all bill boards and advertising signs of whatever kind or character that are occupying space contrary to the provisions of this Act shall be removed within one year after the passage of this Act.

§ 2. Any person, firm or corporation violating the provisions of this Act upon conviction thereof shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00.)

FILED June 16, 1909.

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The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
*Secretary of State.*

## BONDS FOR ADDITIONAL SMALL PARKS.

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|--|-------------------------|
| § 1. Authorizes bond issue of one million dollars—proviso—election—annual tax. | § 3. Proceeds—how used. |
| § 2. Issue and sale of bonds.  | § 4. Emergency.         |
|  | § 5. Repeal.            |

(HOUSE BILL NO. 593. APPROVED JUNE 10, 1909.)

AN ACT to enable park commissioners to issue bonds to raise funds for the acquisition and improvement of additional small parks and pleasure grounds, and to provide a tax for the payment of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of public park commissioners in this State, appointed or otherwise selected as such commissioners under and in pursuance of any Act or Acts of the General Assembly of this State, which has or have been or may be submitted to the legal voters of the municipality in which such board of park commissioners shall exist, and by them adopted, establishing, enclosing, improving and maintaining any public park, boulevard, driveway, highway or other public work or improvement, having selected, or which may hereafter select, any additional land or lands as sites for small parks or pleasure grounds, pursuant to the provisions of an Act of the General Assembly of the State of Illinois entitled, "An Act to enable park commissioners to acquire, improve and maintain additional small parks or pleasure grounds," approved and in force May 10, 1901, and which said land or lands said board of park commissioners is or shall be unable to pay for or improve out of its general revenues shall be and is hereby authorized and empowered in its discretion to issue and sell in addition to the bonds now authorized by law to be issued and sold by such board, interest bearing coupon bonds to an amount not exceeding in the aggregate the principal sum of one million dollars (\$1,000,000) for the purpose of raising funds for the acquisition, improvement and completion of such additional small parks, or pleasure ground: *Provided*, no such bonds shall be issued under this Act in contravention of the provisions of section twelve (12) of article nine (9) of the constitution of this State: *And, provided, further*, that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district at any general or special election and receive a majority of the votes cast upon such proposition. And power and authority are hereby expressly granted to such board of park commissioners issuing such bonds to levy and collect a direct annual tax upon all the taxable property within the park district under its jurisdiction, in addition to the amount of any tax now authorized by law to be levied and collected by it, sufficient to pay the interest on such bonds as the same shall mature and become due, and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing such bonds; and the county clerk of the county in which such park district is located, or such officer or officers as are by law authorized to spread or assess taxes for park purposes or other purposes, shall, on receiving a certificate from such board of park commissioners, that the amount mentioned in such certificate is necessary to pay the interest on such bonds and also to pay and discharge the

principal thereof as the same shall mature and become due, spread and assess such amount upon the taxable property embraced in such park district in the same manner as other park taxes or general taxes are by law spread and assessed; and the same shall be collected and paid over the same as other park taxes are required by law to be collected and paid.

§ 2. Said bonds may be issued in such form as such board of park commissioners may determine and in the name of such board of park commissioners and shall be signed by the president, attested by the secretary under the corporate seal and countersigned by the treasurer of such board of park commissioners: And they may be of the denomination of twenty-five dollars (\$25.00) and any multiple thereof and shall bear interest at a rate not exceeding five (5) per centum per annum, payable semi-annually and evidenced by interest coupons attached thereto. The principal of said bonds shall be payable at such place and at such time not exceeding twenty (20) years from the date of the issue of such bonds as such board of park commissioners may determine. Bond [s] issued under this Act may be sold by such board of park commissioners at such prices as it shall deem expedient, but not, however, for less than the par value thereof and the accrued interest thereon at the date of sale and the proceeds arising from the sale of said bonds shall be used by such board of park commissioners exclusively for the uses and purposes therein set forth.

§ 3. The proceeds of the bonds herein authorized shall be used exclusively for the purchase and improvement of the lots, blocks or parcels of land which may be selected for such additional small parks and pleasure grounds.

§ 4. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after the date of its passage and approval.

§ 5. Any and all laws in conflict with this Act are hereby repealed.

APPROVED June 10, 1909.

#### ANNEXATION OF TERRITORY.

§ 1. Amends section 38, Act of 1895.

§ 38. As amended, provides for joint petition when legal voters are less than one hundred.

(SENATE BILL NO. 519. APPROVED JUNE 9, 1909.)

AN ACT to amend section 38 of an Act entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895, as amended by an Act approved April 22, 1899, in force July 1, 1899.

SECTION 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That section 38 of an Act entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water,"

approved June 24, 1895, in force July 1, 1895, as amended by Act approved April 22, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 38. HOW PROPERTY MAY BE ANNEXED—ELECTION, ETC.] Territory adjoining and in the same county with any park district organized under this Act may be annexed to and become a part of such district in the manner following: Any one hundred legal voters, residents within the territory proposed to be annexed, may petition the county judge of the county wherein land proposed to be annexed lies, to cause the question to be submitted to the legal voters of such park district and of the territory proposed to be annexed, whether such territory shall be annexed and become a part of the adjoining park district, and the petition shall set forth the name of the park district and define the limits of the territory proposed to be annexed thereto: *Provided, however,* if the legal voters, residents within the territory proposed to be annexed are fewer than one hundred (100) in number, a majority of such legal voters, together with a majority of the owners of lands within the territory proposed to be annexed, who shall have arrived at lawful age, and who represent a major portion in area of the land within such territory, may petition in like manner as above provided. Upon the filing of the petition in the office of the county clerk of the county in which such territory is situated, it shall be the duty of the county judge of said county to order an election to be held in the territory proposed to be annexed, and also in said park district, and in such order said judge shall fix the time and place or places when and where such special election may be held, to determine the question of annexation, and shall name the persons to act as judges of such election, and shall give at least twenty days' notice thereof by causing notice to be posted in five public places within the territory proposed to be annexed, and also in five public places within such park district. The ballot to be used at such election shall be in the following form:

"For annexation."

"Against annexation."

The judges at such election shall make return thereof to the county judge, who shall canvass such returns and cause a statement of the result of such election to be entered upon the records of the county court, a certified copy of which record shall be [by] said commissioners spread upon the records of said park district. If a majority of the votes cast upon that question at such election in the territory proposed to be annexed shall be for annexation; and also if a majority of the votes cast upon that question in the park district shall [be] for annexation, then said adjoining territory shall thenceforth become and be a part of such district, the same as though originally included therein.

APPROVED June 9, 1909.

## DRIVES TO PUBLIC PARKS—CONTROL AND IMPROVEMENT.

§ 1. Amends section 2, Act of 1879.

§ 2. As amended, provides  
for ten annual in-  
stallments of special  
tax or assessments.

(SENATE BILL NO. 275. APPROVED MAY 25, 1909.)

AN ACT to amend section 2 of an Act entitled, "An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property," approved and in force April 9, 1879; as amended by an Act approved June 16, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property," approved and in force April 9, 1879, as amended by an Act approved June 16, 1887, in force July 1, 1887, be, and the same is hereby amended to read as follows:

§ 2. That such park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve, maintain and repair such street or streets in such manner as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy, or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such board of park commissioners, but not for any subsequent care, maintenance or repair thereof; and to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes, or assessment for corporate purposes; and such special tax or assessments as are hereby authorized may be divided into not exceeding ten annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation until paid, and the assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for, or on account of such corporate bodies or boards, as aforesaid, so far as the same are applicable.

APPROVED May 25, 1909.



## HIGHWAYS ADJOINING PUBLIC PARKS—IMPROVEMENT AND REPAIRS.

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| <p>§ 1. Amends section 1, Act of 1907, and adds sections 2, 3 and 4 thereto.</p> <p>§ 1. Agreements authorized.</p> <p>§ 2. Powers — bond issue—<br/>limitation—tax levy.</p> | <p>§ 3. Remainder of cost—how raised.</p> <p>§ 4. Payment to city, town or village—limitation.</p> <p>[§ 2.] § 5. Emergency.</p> |
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(SENATE BILL NO. 232. APPROVED MAY 25, 1909.)

AN ACT to amend section one of an Act entitled, "An Act to provide for making improvements and repairs upon highways adjoining public parks and pleasure grounds," approved and in force April 22, 1907, and to add thereto three new sections, to be known as sections 2, 3 and 4.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one of the Act entitled, "An Act to provide for making improvements and repairs upon highways adjoining public parks and pleasure grounds," approved and in force April 22, 1907, be amended so as to read as follows, and to add to said Act three new sections to be known as sections 2, 3 and 4.

§ 1. That whenever any public street, avenue or alley, under the control of any city, town or village, adjoins any public park or pleasure ground under the control of any public park commissioners and is in need of improvements or repairs, it shall be competent for said park commissioners and said city, town or village, from time to time, to enter into an agreement for the payment to such city, town or village by said park commissioners of such portion of the cost of said improvements or repairs as may, in the judgment of said commissioners, be of benefit to said park or pleasure ground, or to enter into an agreement for the making of such portion of said improvements or repairs by said commissioners.

§ 2. In case such an agreement shall have been entered into, the commissioners having the control of such park or pleasure ground or the corporate authorities of the town within which such park or pleasure ground may be situated, shall have the power to pay for such portion of the cost of such improvements or repairs out of the general revenues of such board of park commissioners or corporate authorities controlling any such park or pleasure ground or by the issue and sale from time to time of interest bearing bonds: *Provided*, no bonds shall be issued under this Act contrary to the provisions of section 12 of article IX of the constitution of this State: *And, provided, further*, that the total amount of said bonds to be so issued shall not exceed the sum of five hundred thousand dollars (\$500,000.00), and authority is hereby expressly granted to the park commissioners or corporate authorities issuing such bonds to levy and collect a direct annual tax upon the property within the jurisdiction of such park commissioners or corporate authorities, in addition to any tax now authorized by law to be levied and collected by them, sufficient to pay the interest on said bonds as it

falls due, and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds; and the county clerk of the county in which such park district or town is located, or such other officer or officers as are by law authorized to spread or assess taxes for park purposes, on receiving a certificate from such park commissioners or corporate authorities that the amount mentioned in such certificate is necessary to pay the interest on said bonds, and also to pay and discharge the principal thereof, within twenty (20) years from the date of issuing said bonds, shall spread and assess such amount upon the taxable property embraced in said park district or town, the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over as other park taxes are required by law to be collected and paid.

§ 3. The remainder of the cost of making such improvements or repairs shall be raised by said city, town or village by general taxation or special assessment, or partly by general taxation and partly by special assessment, as said city, town or village may determine.

§ 4. Park commissioners having the control of any public park or pleasure ground adjoining any street, avenue or alley under the control of any city, town or village, shall have the power under this Act to pay to such city, town or village such sum or sums of money, out of the proceeds of the sale of said bonds, not to exceed, however, a total amount of one hundred thousand dollars (\$100,000), as may be necessary for the purpose of discharging any valid existing indebtedness of such park commissioners arising from any agreement or agreements made by such commissioners with such city, town or village prior to the adoption of this Act, for the improvement and repair of any such public street, avenue or alley.

§ 5. WHEREAS, An emergency exists, this Act shall take effect and be in force from and after its passage.

APPROVED May 25, 1909.

#### LEGALIZING CERTAIN ELECTIONS.

§ 1. Certain elections under Act 1895 legalized.	§ 2. Emergency.
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(HOUSE BILL No. 154. APPROVED APRIL 22, 1909.)

*AN ACT to legalize certain elections held under and by virtue of "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That whenever any park district organized under and by virtue of an Act of the General Assembly of the State of Illinois entitled, "An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1,*

1895, a part of which said district, at the time of its said organization, was situated within the corporate limits of a city, village or incorporated town in this State, which had therefore adopted the provisions of an Act of the General Assembly of the State of Illinois entitled, "An Act to amend an Act entitled 'An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,'" approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by Act approved April 24, 1899, in force July 1, 1899, known as "The City Election Law," and the election for the organization of said park district and the election of the first board of commissioners thereof, has been held under the order, direction and supervision of the county judge, or judges, as provided by sections 2, 3, 4 and 5 of said first above mentioned Act, and where said election within that part of said park district lying within any city, village or incorporated town that had adopted the provisions of the said city election law, herein above mentioned, was not held under the direction and supervision of the election commissioners of said city, village or incorporated town as provided in said city election law then, and in such case said elections are hereby held and declared to be duly and legally held, and all park districts organized under and by virtue of said elections, if otherwise legally organized, are hereby held and declared to be duly and legally organized, and all park commissioners elected in any such district or districts at such elections are hereby declared to have been duly and legally elected, and all the acts of such park district or districts and of the commissioners thereof, if otherwise legal, are hereby made and declared to be legal, binding and of full force and effect.

§ 2. WHEREAS, An emergency exists, therefore, this Act shall be in full force and effect from and after its passage and approval.

APPROVED April 22, 1909.

#### PUBLIC STREETS—CONTROL AND IMPROVEMENT.

§ 1. Amends section 2, Act of 1895.

§ 2. As amended, provides for ten annual installments of special tax or assessments.

(SENATE BILL NO. 274. APPROVED MAY 25, 1909.)

AN ACT to amend section 2 of an Act entitled, "An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 2 of an Act entitled, "An Act to enable park commissioners or park authorities to take, regulate, control and improve public streets and to pay for the improvement thereof," approved June 21, 1895, in force July 1, 1895, be, and the same is, hereby amended to read as follows:

§ 2. That such board of park commissioners or park authorities shall have power to improve such street or streets, or parts thereof, in such manner as they may deem best and as they have or may hereafter have power to improve other streets under their control, and for that purpose they are hereby authorized to pay for the improvement thereof by levying, assessing and collecting a special tax on contiguous property abutting on said street or streets or parts thereof so improved, or a special assessment on property benefited, in the manner in which said board of park commissioners or park authorities are now or may, be hereafter empowered by law to levy, assess and collect special taxes on contiguous property or special assessments for benefits in other cases, or to pay therefor by general taxation, or both, but no such special tax or special assessment shall be levied for the maintenance and repair of such improved street, but the same shall be maintained and repaired by said park boards or park authorities as in other cases. And such special taxes or special assessments as are hereby authorized may be divided into not exceeding ten annual installments, bearing six per cent per annum interest from the date of confirmation thereof by the court until paid, and the same shall be collected and enforced in the same manner as is or may hereafter be provided by law for the collection and enforcement of other special taxes or special assessments for or on account of said park commissioners or park authorities, so far as the same is applicable.

APPROVED May 25, 1909.

TAX BY CERTAIN CITIES FOR PARK PURPOSES—MUSIC.

§ 1. Amends section 1, Act of 1893.

§ 1. As amended, provides for music in summer.

(HOUSE BILL NO. 448. APPROVED JUNE 14, 1909.)

AN ACT to amend "*An Act to provide for the assessment and collection of a general tax by cities, for parks and boulevard purposes,*" approved June 17, 1893, in force June 17, 1893, as amended by an Act approved and in force January 31, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "*An Act to provide for the assessment and collection of a general tax by cities for parks and boulevard purposes,*" approved June 17, 1893, in force June 17, 1893, as amended by an Act approved and in force January 31, 1895.

§ 1. That the city council in cities having a population of not less than five thousand nor more than one hundred thousand inhabitants, to be ascertained by the last United States census, whether incorporated under the general law or special charter, shall have the power, by ordinance, to provide annually by taxation a special fund not to exceed eighteen (18) cents on each one hundred dollars' valuation of the taxable property within the corporate limits of said cities, to be assessed and collected in the same manner as the other general taxes for said

cities are assessed and collected, to be used only for the purpose of purchasing land for parks and boulevards in and around such cities, and for opening, improving and maintaining the same: *Provided*, that the said annual park and boulevard tax shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An Act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory Acts thereto, or by any provision of any special charter under which any city in this State is now organized: *And, provided, further*, that an amount not to exceed twenty per cent of such special fund may be expended for the purpose of providing music in such parks during the months of May, June, July, August and September in each year.

APPROVED June 14, 1909.

## PAUPERS.

### RECOVERY FROM RELATIVES.

§ 1. Amends sections 2, 23 and 24,  
Act of 1874.

§§ 2, 23 and 24. As amended,  
provide for recovery  
from relatives for  
aid.

(HOUSE BILL NO. 555. APPROVED JUNE 10, 1909.)

AN ACT to amend section [s] two (2), twenty-three (23) and twenty-four (24) of an Act entitled, "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 24, 1877, in force July 1, 1877; as amended by an Act approved June 1, 1889, in force July 1, 1889; as amended by an Act approved May 13 1905, in force July 1, 1905; as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two (2), twenty-three (23) and twenty-four (24) of an Act entitled "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 24, 1877, in force July 1, 1877; as amended by an Act approved June 1, 1889, in force July 1, 1889; as amended by an Act approved May 13, 1905, in force July 1, 1905; as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same are hereby amended to read as follows:

§ 2. The children shall first be called on to support their parents, if there be children of sufficient ability; and if there be none of sufficient ability, the parents of such poor person shall next be called on if they be of sufficient ability; and if there be no parents or children of sufficient ability, the brothers and sisters of such poor person shall next be called on, if they be of sufficient ability; and if there be no brothers or sisters of sufficient ability, the grand children of such poor person

shall next be called on, if they be of sufficient ability, and next the grandparents, if they be of sufficient ability: *Provided*, married females, while their husbands live, shall not be liable to contribute for the support of their poor relatives, except when they have separate property, or property in their own right, out of which such contributions can be made: *Provided, further*, that when the county in the first instance shall furnish support to such persons as are mentioned in section 1 of this Act, that the county can sue the relatives mentioned in this section, in the manner provided in this Act, for any sum or sums paid by the county for the support of such person [s] mentioned in section 1 of this Act.

§ 23. When any poor or indigent person does not require to be supported wholly by the county, the overseer of the poor may, subject to such limitations as may be prescribed by the county board, render him temporary relief without his being committed to the care of any such person, or being sent to the county poor house: *Provided*, that when the county shall furnish such poor or indigent person temporary relief, that the county shall recover from the relatives of such poor or indigent persons in an appropriate action as provided by this Act.

§ 24. When any non-resident, or any person not coming within the definition of a pauper, of any county or town, shall fall sick or die, not having money or property to pay his board, nursing and medical aid or burial expenses, the overseer or overseers of the poor of the town or precinct in which he may be shall give, or cause to be given to him such assistance as they may deem necessary and proper, or cause him to be conveyed to his home, and if he shall die, cause him to be decently buried; and the county shall pay the reasonable expense thereof, which expenses of board, nursing, medical aid and burial expenses, may be recovered from the relatives of the said pauper, or from the county of which he is a resident, in an appropriate action.

APPROVED June 10, 1909.

## PAWNBROKERS.

### REGULATION OF PAWNBROKERS—REVISION.

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| § 1. Pawnbroker defined.         | § 8. Property from minor.   |
| § 2. Rate of percentage allowed. | § 9. Property from intoxicated person or thief—return of stolen property. |
| § 3. Notice in English language. | § 10. Sale of property.   |
| § 4. Signed memorandum.          | § 11. Penalty.  |
| § 5. Record in ink.              | § 12. Repeals Act of 1879.  |
| § 6. Inspection.                 |   |
| § 7. Daily report.               |   |

(SENATE BILL No. 281. APPROVED JUNE 9, 1909.)

AN ACT for the regulation of pawnbrokers, and repealing a certain Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That every person or company en-

gaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawnor or pledger, shall be held and is hereby declared and defined to be a pawnbroker.

§ 2. It shall be unlawful for any pawnbroker, as herein provided, to charge or collect a greater benefit or percentage upon money advanced, and for the use and forbearance thereof, than the rate of three per cent per month: *Provided*, that nothing herein shall be construed so as to conflict with the law pertaining to usury; and the person receiving money so advanced shall not be held to pay any storage, insurance or other charges other than such interest as herein provided.

§ 3. Every pawnbroker shall at all times have and keep section 2 of this Act printed in the English language and framed and posted in a prominent and conspicuous position in his place of business, so that the same shall be plainly legible and visible to all persons depositing or pledging property with such pawnbroker.

§ 4. Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property a memorandum or note signed by him containing an accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, value of thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence of the person making such pawn or pledge.

§ 5. Every pawn and loan broker shall keep a book in which shall be written in ink, at the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge. No entry in such book shall be erased, mutilated or changed.

§ 6. The said book, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the sheriff of the county, his deputies or any members of the police force of any city in the county in which such pawnbroker does business.

§ 7. It shall be the duty of every pawnbroker to make out and deliver to the sheriff of the county in which such pawnbroker does business, on each day before the hour of 12:00 o'clock noon, a legible and correct copy from said book, as required in section 5 of this Act, of all personal property and other valuable things received on deposit or purchased during the preceding day, together with the exact time when received or purchased, and a description of the person or persons by whom left in pledge, or from whom the same were purchased: *Provided*, that in cities or towns having twenty-five thousand or more inhabitants, a copy of the said report shall at the same time also be delivered to the superintendent of police or the chief police officer of such city or town.

§ 8. No pawnbroker shall take or receive any pawn or pledge for any advancement or loan, any property of any kind from any minor, or the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor.

§ 9. No pawnbroker shall take any article in pawn or pledge from any person appearing to be intoxicated, nor, from any person known to be a thief or to have been convicted of larceny; and when any person is found to be the owner of stolen property which has been pawned, such property shall be returned to the owner thereof without the payment of the money advanced by the pawnbroker thereon or any costs or charges of any kind which the pawnbroker may have placed upon the same.

§ 10. No personal property received on deposit or pledge, or purchased by any such pawnbroker, shall be sold or be permitted to be redeemed or removed from the place of business of such pawnbroker for the space of twenty-four hours after the delivery of the copy and statement required by section 7 of this Act required to be delivered to the officer or officers named therein; and no personal property pawned or pledged shall be sold or disposed of by any such pawnbroker within one year from the time when the pawner or pledger shall make default in the payment of the interest on the money so advanced by such pawnbroker, unless by the written consent of such pawner or pledger.

§ 11. Every pawnbroker who shall be found guilty of a violation of the provisions of this Act, shall, for the first offense, be fined a sum not less than twenty dollars, nor more than one hundred dollars, and for each subsequent offense not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail not exceeding thirty days, or either or both, in the discretion of the court: *Provided*, that this Act shall not be construed as to, in any wise, impair the power of cities or villages in this State to license, tax, regulate, suppress and prohibit pawnbrokers as now provided by law.

§ 12. An Act for the regulation of pawnbrokers, approved June 4, 1879, in force July 1, 1879; as amended by an Act approved May 14, 1903, in force July 1, 1903, is hereby repealed.

APPROVED June 9, 1909.



## PENITENTIARIES.

## CONVICT LABOR—RIVER IMPROVEMENTS.

§ 1. Amends section 11, Act of 1903.

§ 11. As amended, adds proviso concerning improvement of rivers.

(HOUSE BILL NO. 737. FILED JUNE 16, 1909.)

AN ACT to amend section 11 of an Act entitled, "An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois and providing for the disposition of the products of their skill and industry," approved May 11, 1903, in force July 1, 1903, and as amended by Act approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 11 of an Act entitled, "An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois and providing for the disposition of the products of their skill and industry," approved May 11, 1903, in force July 1, 1903, as amended May 18, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows:

§ 11. The labor of convicts in penitentiaries and reformatories in this State after the necessary labor for the manufacture of all needed supplies for said institutions shall be primarily devoted to the State and the public institutions and buildings thereof, and the manufacture of supplies for the State and public institutions thereof, and secondly to the school and road districts of the State and the public institutions thereof: *But, provided*, that if the demands of the State, the State institutions and the school and road districts thereof, as herein provided, shall not be sufficient to furnish employment to all the prisoners of the penal and reformatory institutions of the State, then the Board of Prison Industries may and are hereby authorized to dispose of the surplus products of such labor to the best advantage of the State: *But, provided, further*, that not more than forty per cent (40 per cent) of said prisoners in the penal and reformatory institutions shall be employed in the manufacture of products of industries heretofore established, which may be disposed of other than to the State, State institutions and school and road districts of this State: *And, provided, further*, that the said Board of Prison Industries under the direction of the Governor is hereby authorized to employ not more than forty per cent (40 per cent) of said prisoners in the penal and reformatory institutions for the improvement of the channels of the Okaw, Cache, Little Wabash, Big Muddy, Saline and Sangamon rivers.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## PRACTICE.

## PRACTICE AND PROCEDURE IN COURTS OF RECORD—APPEALS.

§ 1. Amends sections 121 and 122, Act of 1907.

§ 121. Judgments and decrees of appellate court final—exceptions—provisos.

§ 122. Supreme court to re-examine cases as to questions of law only.

§ 2. Repeals section 119, Act of 1907.

(SENATE BILL NO. 11. APPROVED JUNE 4, 1909.)

AN ACT to amend sections 121 and 122 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, and to repeal section 119 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 121 and 122 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, be and the same are hereby amended to read as follows:

§ 121. In all cases in which their jurisdiction is invoked pursuant to law, except those wherein appeals and writs of error are specifically required by the constitution of the State to be allowed from the appellate courts to the Supreme Court, the judgments or decrees of the Appellate Courts shall be final, subject, however, to the following exceptions: (1) In case a majority of the judges of the Appellate Court or of any branch thereof shall be of opinion that a case (regardless of the amount involved) decided by them involves a question of such importance, either on account of principal or collateral interests, as that it should be passed upon by the Supreme Court, they may in such cases grant appeals to the Supreme Court on petition of parties to the cause, in which case the said Appellate Court shall certify to the Supreme Court the grounds of granting said appeal. (2) In any such case as is hereinbefore made final in the said Appellate Courts it shall be competent for the Supreme Court to require, by *certiorari* or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case, and with like effect, as if it had been carried by appeal or writ of error to the Supreme Court: *Provided, however,* that in actions *ex contractu* (exclusive of actions involving a penalty) and in all cases sounding in damages the judgment, exclusive of costs shall be more than one thousand dollars (\$1,000): *And, provided,* also, that application under this Act to the Supreme Court to cause it to require a case to be certified to it for its review and determination shall be made on or before twenty (20) days before the first day of the succeeding term of said Supreme Court: *Provided,* fifty (50) days shall have intervened between the day on which a rehearing in the Appellate Court shall have been denied or the day upon which the leave to apply for a rehearing shall have expired without any such application having been made, and the first day of

such succeeding term of said court. But if less than fifty (50) days shall have intervened as aforesaid, then such application shall be made on or before twenty (20) days before the first day of the second term of the Supreme Court succeeding the day on which a rehearing in the Appellate Court shall have been denied or the day upon which the leave to apply for a rehearing shall have expired without any such application having been made, otherwise said power of the Supreme Court to review the judgment and decree of the Appellate Court shall cease to exist.

Whenever judgment has been rendered in any of the said Appellate Courts, the Appellate Court so rendering judgment shall have power to stay the issuing of any mandate until the time for filing a petition in the Supreme Court for a writ of *certiorari* shall have expired without any such petition having been filed, or if such petition for said writ shall have been filed within the proper time, the Appellate Court so rendering judgment shall have power to stay the issuing of any mandate until said writ of *certiorari* shall have been granted or refused. Whenever said writ of *certiorari* shall have been granted, the issuing or enforcement of any mandate of the Appellate Court pursuant to its judgment, or of any judgment entered in any court or standing affirmed in any court pursuant to the mandate of the Appellate Court, shall be stayed without further order by the Supreme Court, until the final disposition of the case by the Supreme Court.

§ 122. The Supreme Court shall re-examine cases brought to it by appeal or writ of *certiorari* as provided in this Act, from the Appellate Courts, as to questions of law only; and in the cases aforesaid, no assignment of error shall be allowed calling in question the determination of the inferior or appellate courts upon controverted questions of fact therein.

§ 2. Section 119 of "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907, be and the same is hereby repealed.

APPROVED June 4, 1909.

## RAILROADS.

## CABOOSE CARS.

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| § 1. Size and equipment of caboose cars. | § 3. Enforcement.          |
| § 2. Penalty.                            | § 4. Temporary use—permit. |

(SENATE BILL No. 62. APPROVED JUNE 15, 1909.)

AN ACT to regulate the size and manner of construction of all caboose cars used by any person, receiver or corporation operating a line of railroad situated wholly or in part within the State and providing a penalty in the event of failure.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, receiver or corporation, operating a line of railroad situated in whole or in part in the State of Illinois, to require or to permit the use of any caboose cars unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with cupolas and with platforms, not less than thirty inches wide across each end thereof, and that said platforms shall be equipped with guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two four-wheel trucks.

§ 2. Any person, receiver or corporation, operating a line of railroad situated in whole or in part in this State, violating any of the provisions of section 1 of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.

§ 3. It shall be the duty of the Board of Railroad and Warehouse Commissioners to have this law enforced.

§ 4. The provisions of this Act shall not apply to the use of caboose cars in yard and in transfer service, nor to the use of caboose cars now owned by any railroad or railway company operating in this State; and it is further provided that in case of unusual and unforeseen demands of traffic, caboose cars not of standard construction may be used temporarily: *Provided*, that the railway company or companies desiring to use the same shall apply to and obtain an order of the Railroad and Warehouse Commission granting the privilege to temporarily use the same.

APPROVED June 15, 1909.

## SIDE TRACKS AND CONNECTIONS.

§ 1. Switch connection with railroad track of shipper—cars.

§ 2. Complaints—Investigation — decision by Railroad and Warehouse Commission.

(HOUSE BILL NO. 706. APPROVED JUNE 14, 1909.)

AN ACT *requiring common carriers of freight to provide and maintain sidetracks and connections for shippers and receivers of freight.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any railroad being a common carrier of freight, upon application of any shipper tendering or receiving freight or merchandise in carload lots, shall construct, maintain and operate, upon reasonable terms upon its own right of way at any regular station, a switch connection with any such shippers railroad track which may be constructed to connect with its railroad upon its right of way, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient revenue business to such railroad company to justify the construction and maintenance of the same, and shall furnish cars for the movement of such traffic upon such switch upon its own rails to the best of its ability without discrimination in favor of or against any such shipper.

§ 2. If any such common carrier shall fail to install and operate any such switch and connection as aforesaid, on application therefor in writing by any such shipper, he may make complaint to the Railroad and Warehouse Commission, and the Commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor, and the commission may make an order, directing the common carrier to comply with the provisions of this Act in accordance with such order; such order shall be enforced as other orders of the commission may be enforced, and said commission, if it shall decide that such sidetrack and connection shall be provided by such common carrier, may begin proceedings in any circuit court having jurisdiction over such railroad company to compel such railroad company to provide such sidetrack and connection.

APPROVED June 14, 1909.

## REVENUE.

## ASSESSED VALUATION OF PROPERTY.

§ 1. Amends sections 17 and 18, Act of 1898.

§ 18. As amended, "assessed value" one-third.

§ 17. As amended, "assessed value" one-third.

(HOUSE BILL NO. 293. APPROVED JUNE 12, 1909.)

AN ACT to amend sections 17 and 18 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 17 and 18 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, be and the same hereby are amended to read as follows:

§ 17. The assessor shall furnish to each person required to list personal property a printed blank schedule, forms to be furnished by the Auditor of Public Accounts, upon which shall be printed a notice substantially as follows:

"This schedule must be filled out, sworn to and returned to me in person or by mail at ..... (address) ..... on or before ..... You are to give a full, fair cash value of the articles mentioned as well as the amount of money required to be returned. Only one-third of the several amounts will be taken and assessed for the purpose of taxation.

(Signature).....

Assessor.

There shall also be printed upon such blank the schedule now required by law, and the following, which is a part of this section:

And every person required to list personal property or money shall fill out, subscribe and swear to, and return to the assessor, in person or by mail, at the time required, such schedule in accordance with law, giving the numbers, amounts, quantity and quality of all the articles enumerated in said schedule by him possessed, or under his control, required to be listed by him for taxation. The assessor shall determine and fix the fair cash value of all items of personal property, including all grain on hand on the first day of April, and set down the same, as well as the amounts of notes, accounts, bonds, and moneys, in a column headed, "full value," and ascertain and assess the same at one-third part thereof, and set down said one-third part thereof in a column headed "assessed value," which last amount shall be the assessed

value thereof for all purposes of taxation. The assessor, or some person authorized by law to administer an oath, shall administer the oath required in this section.

§ 18. Personal property shall be valued at its fair cash value, less such deductions as may be allowed by law to be made from credits, which value shall be set down in one column, to be headed "full value," and one-third part thereof shall be ascertained and set down in another column which shall be headed "assessed value."

Real property shall be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale in the course of trade, which shall be set down in one column to be headed "full value," and one-third part thereof shall be set down in another column, which shall be headed "assessed value."

The State Board of Equalization in valuing property assessed by them shall ascertain and determine respectively the fair cash value of such property, which fair cash value shall be set down in one column to be headed "full value," and one-third part thereof shall be ascertained and set down in another column, which shall be headed "assessed value."

The one-third value of all property so ascertained and set down shall be the assessed value for all purposes of taxation, limitation of taxation and limitation of indebtedness prescribed in the constitution or any statute.

APPROVED June 12, 1909.

#### EXEMPTIONS FROM TAXATION.

§ 1.. Amends section 2, Act of 1872.

§ 2. Exemptions.

(HOUSE BILL No. 670. APPROVED JUNE 16, 1909.)

AN ACT amending section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved May 18, 1905, in force July 1, 1905, be, and the same is hereby amended to read as follows:

§ 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

*First*—All lands donated by the United States for school purposes, not sold or leased; all property of schools, including the real estate on which the schools are located, not leased by such schools or otherwise used with a view to profit.

*Second*—All property used exclusively for religious purposes, or used exclusively for school and religious purposes and not leased or otherwise used with a view to profit.

*Third*—All lands used exclusively as grave yards or grounds for burying the dead.

*Fourth*—All unentered government lands; all public buildings or structures of whatsoever kind, and the contents thereof, and the land on which the same are located belonging to the United States.

*Fifth*—All property of every kind belonging to the State of Illinois.

*Sixth*—All property belonging to any county, town, village or city, used exclusively for the maintenance of the poor; all swamp or overflowed lands belonging to any county, so long as the same remain unsold of [by] such county; all public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres.

*Seventh*—All property of institutions of public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

*Eighth*—All fire engines or other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

*Ninth*—All market houses, public squares or other public grounds used exclusively for public purposes; all works, machinery and fixtures belonging exclusively to any town, village or city, used exclusively for conveying water to such town, village or city.

*Tenth*—All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

APPROVED June 16, 1909.

#### GENERAL LEVY FOR STATE PURPOSES.

§ 1. "Revenue fund," \$5,100,000 per annum; "State school fund," \$1,000,000 per annum in lieu of two mill tax.	§ 2. Computation and certification of tax rate
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(HOUSE BILL NO. 740. APPROVED JUNE 9, 1909.)

AN ACT to provide for the necessary revenue for State purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised, by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth:

For general State purposes, to be designated "revenue fund," the sum of five million one hundred thousand dollars (\$5,100,000) upon the assessed value of the property for the year A. D. 1909; five million one hundred thousand dollars (\$5,100,000) upon the assessed value of property for the year A. D. 1910; and for State school purposes, to be



designated "State school fund," the sum of one million dollars (\$1,000,000) upon the assessed taxable property for the year A. D. 1909, and the sum of one million dollars (\$1,000,000) upon the assessed taxable property for the year A. D. 1910, in lieu of the two mill tax.

§ 2. The Governor, the Auditor and Treasurer shall annually compute the several rates per cent required to produce not less than the above amounts, anything in any other Act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding; and when so ascertained, the Auditor shall certify to the county clerk the proper rates per cent therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes, and all other laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED June 9, 1909.

#### GIFTS, LEGACIES AND INHERITANCES.

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| <p>§ 1. What property is subject to this Act. Rates of taxation prescribed Exemptions.</p> <p>§ 2. Appraisement of life interest. Accrued tax a lien on entire property. Bond for deferred payment.</p> <p>§ 3. Interest on deferred payment of tax assessed. Bond of executors and others.</p> <p>§ 4. Duties of executors and administrators.</p> <p>§ 5. Liability of executors and others.</p> <p>§ 6. Payment of tax—how made by executor and others. Receipt of State Treasurer.</p> <p>§ 7. Executor and others to give information to county treasurer.</p> <p>§ 8. Refunding tax retained by executor and others.</p> <p>§ 9. Foreign executor transferring stocks. Notice to Treasurer and Attorney General. Liability of custodians.</p> <p>§ 10. Refunding excess of tax by State Treasurer.</p> <p>§ 11. Appraisement of property—how made.</p> <p>§ 12. Fees of county clerks. Inheritance tax attorney—appointment authorized—salary. Fees generally.</p> | <p>§ 13. Appraiser—penalty for receiving fee or reward.</p> <p>§ 14. Jurisdiction of county court over property of new resident decedent.</p> <p>§ 15. Failure to pay tax. Proceedings in county court.</p> <p>§ 16. State's attorney to enforce payment. Fees allowed.</p> <p>§ 17. County judge and county clerk—quarterly statements to county treasurer.</p> <p>§ 18. Allowance of expenses by State Treasurer.</p> <p>§ 19. State Treasurer shall furnish book to county judge.</p> <p>§ 20. Payment by county to State Treasurer—receipt—report to Auditor semi-annually.</p> <p>§ 21. Fees of county treasurer.</p> <p>§ 22. Receipt from county treasurer—sealing and recording same.</p> <p>§ 23. Liability to taxation—how determined—appeal to supreme court.</p> <p>§ 24. Continuation of lien—limitation.</p> <p>§ 25. Highest rate in certain cases—return of tax wrongfully imposed—other provisions.</p> |
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GIFTS, LEGACIES AND INHERITANCES—*Concluded.*

§ 26. Compounding of claims—powers of State Treasurer and Attorney General.

§ 27. Guardian for infant.

§ 28. Bequests to hospitals, churches and other organizations exempted.

§ 29. Transfer defined.

§ 30. Certified copies of papers to be furnished—fees for same.

§ 31. Repeal.

(SENATE BILL NO. 498. APPROVED JUNE 14, 1909.)

AN ACT *to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases, and to provide for the collection of the same, and repealing certain Acts therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom, in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, in the following cases:

1. When the transfer is by will or by the intestate laws of this State, from any person dying, seized or possessed of the property while a resident of the State.

2. When the transfer is by will or intestate laws of property within the State and the decedent was a non-resident of the State at the time of his death.

3. When the transfer is of property made by a resident, or by a non-resident when such non-resident's property is within this State, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. When any such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this Act.

4. Whenever any person, institution or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this Act, such appointment, when made, shall be deemed a taxable transfer under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When the beneficial interests to any property or income therefrom shall pass to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of the son, or the husband of the daughter, or any child or children adopted as such in conformity with the laws of the State of Illinois, or to any person to whom the deceased, for not less than ten years prior to death, stood in the acknowledged relation of a parent: *Provided, however*, such relationship began at or before said person's fifteenth birthday and was continuous for said ten years thereafter: *And, provided, also*, that the parents of such person so standing in such relation shall be deceased when such relationship commenced, or to any lineal descendant of such decedent born in lawful wedlock. In every such case the rate of tax shall be two dollars on every one hundred dollars of the clear market value of such property received by each person, when the amount so received exceeds in amount the sum of one hundred thousand dollars; and one dollar on each one hundred dollars of the clear market value of such property received by each person when the amount so received is one hundred thousand dollars or less; and at and after the same rates, respectively, for every less amount: *Provided*, that any gift, legacy, inheritance, transfer, appointment or interest which may be valued at a less sum than twenty thousand dollars shall not be subject to any such duty or taxes, and the tax is to be levied in the above cases only upon the excess of twenty thousand dollars received by each person. When the beneficial interest to any property or income therefrom shall pass to or for the use of any uncle, aunt, niece or nephew or any lineal descendant of the same, in any such case the rate of such tax shall be four dollars on every one hundred dollars of the clear market value of such property received by each person on the excess of two thousand dollars so received by each person when the amount so received exceeds the sum of twenty thousand dollars; and two dollars on every one hundred dollars of the clear market value of such property received by each person on the excess of two thousand dollars so received by each person when the amount so received is twenty thousand dollars or less. In all other cases the rate shall be as follows: On each and every one hundred dollars of the clear market value of all property and at the same rate for any less amount; on all transfers of ten thousand dollars and less, three dollars; on all transfers over ten thousand dollars and not exceeding twenty thousand dollars, four dollars; on all transfers over twenty thousand dollars and not exceeding fifty thousand dollars, five dollars; on all transfers over fifty thousand dollars and not exceeding one hundred thousand dollars, six dollars; and on all transfers over one hundred thousand dollars, ten dollars: *Provided*, that any gift, legacy, inheritance, transfer, appointment or interest which may be valued at a less sum than five hundred dollars shall not be subject to any duty or tax.

§ 2. When any property or interest therein or income therefrom shall pass or be limited for the life of another, or for a term of years, or to terminate on the expiration of a certain period the property of the

decendent so passing shall be appraised immediately after the death of the decendent, and the value of the said life estate, term of years or period of limitation shall be fixed upon mortality tables, using the interest rate or income rate of five per cent; and the value of the remainder in said property so limited shall be ascertained by deducting the value of the life estate, term of years or period of limitation from the fair market value of the property so limited, and the tax on the several estate or estates, remainder or remainders, or interests shall be immediately due and payable to the treasurer of the proper county, together with interest thereon, and said tax shall accrue as provided in section three (3) of this Act, and remain a lien upon the entire property limited until paid: *Provided*, that the person or persons, body politic or corporate, beneficially interested in property chargeable with said tax, elect not to pay the same until they shall come into actual possession or enjoyment of such property, then in that case said person or persons, or body politic or corporate, shall give bond to the People of the State of Illinois in a penal sum three times the amount of the tax arising from such property, limited with such sureties as the county judge may approve, conditioned for the payment of the said tax and interest thereon at such time or period as they or their representatives may come into the actual possession or enjoyment of said property; which bond shall be filed in the office of the county clerk of the proper county: *Provided, further*, that such person or persons, body politic or corporate, shall make a full verified return of said property to said county judge and file the same in his office within one year from the death of the decendent, with the bond and sureties as above provided; and, further, said person or persons, body politic or corporate shall renew said bond every five years after the date of the death of decendent.

§ 3. All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable, at the death of the decendent, and interest at the rate of six per cent per annum shall be charged and collected thereon for such time as said taxes are not paid: *Provided*, that if said tax is paid within six months from the accruing thereof, interest shall not be charged or collected thereon, but a discount of five per cent shall be allowed and deducted from said tax; and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decendent, they shall be required to give a bond in the form and to the effect prescribed in section 2 of this Act, for the payment of said tax, together with interest.

§ 4. Any administrator, executor or trustee having any charge or trust in legacies or property for distribution subject to the said tax shall deduct the tax therefrom, or if the legacy or property be not money he shall collect a tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate the heir

or devisee before the paying the same, shall deduct said tax therefrom, and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the said payment of said legacies might be enforced, if, however, such legacy be given in money to any person for a limited period, he shall retain the tax upon the whole amount, but if it be not in money he shall make application to the court having jurisdiction of his accounts, to make an apportionment if the case requires it of the sum to be paid into his hands by such legatees, and for such further order relative thereof as the case may require.

§ 5. All executors, administrators and trustees shall be personally liable for the payment of taxes and interest, and where proceedings for collection of taxes assessed be had, said executors, administrators and trustees shall be personally liable for the expenses, costs and fees of collection. They shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled to do by law, for the payment of duties of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

§ 6. Every sum of money retained by any executor, administrator or trustee, or paid into his hands for any tax on any property, shall be paid by him within thirty days thereafter to the treasurer of the proper county, and the said treasurer or treasurers shall give, and every executor, administrator or trustee shall take duplicate receipts from him of said payments, one of which receipts he shall immediately send to the State Treasurer, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and shall seal said receipt with the seal of his office and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; but the executor, administrator or trustee shall not be entitled to credit in his accounts or be discharged from liability for such tax unless he shall purchase a receipt so sealed and countersigned by the treasurer and a copy thereof certified by him.

§ 7. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, it shall be the duty of the executor, administrator or trustee of such decedent to give information thereof in writing to the treasurer of the county where said real estate is situated, within six months after they undertake the execution of their expected duties, or if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

§ 8. Whenever debts shall be proved against the estate of the decedent after distribution of legacies from which the inheritance tax has been deducted in compliance with this Act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be

repaid to him by the executor or administrator if the said tax has not been paid into the State or county treasury, or by the county treasurer if it has been so paid.

§ 9. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this State standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets belonging to or standing in the name of a decedent who was a resident or non-resident or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the State Treasurer and Attorney General at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets belonging to or standing in the name of a decedent, or belonging to, or standing in the joint names of a decedent and one or more persons, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax or interest which may thereafter be assessed on account of the delivery or transfer of such securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this article, unless the State Treasurer and Attorney General consent thereto in writing. And it shall be lawful for the State Treasurer, together with the Attorney General, personally or by representatives, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice or failure to allow such examination, or failure to retain a sufficient portion or amount to pay such tax and interest as herein provided shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of the amount of the tax and interest due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, and in addition thereto, a penalty of one thou-

sand dollars; and the payment of such tax and interest thereon, or of the penalty above prescribed, or both, may be enforced in an action brought by the State Treasurer in any court of competent jurisdiction.

§ 10. When any amount of said tax shall have been paid erroneously to the State treasury, it shall be lawful for him on satisfactory proof rendered to him by said county treasurer of said erroneous payments to refund and pay to the executor, administrator or trustee, person or persons who have paid any such tax in error the amount of such tax so paid: *Provided*, that all applications for the repayment of said tax shall be made within two years from the date of said payment.

§ 11. In order to fix the value of property of persons whose estate shall be subject to the payment of said tax, the county judge, on application of any interested party, or upon his own motion shall appoint some competent person as appraiser as often as or whenever occasion may require, whose duty it shall be forthwith to give such notice by mail, to all persons known to have or claim an interest in such property, and to such persons as the county judge may, by order direct, of the time and place he will appraise such property, and at such time and place to appraise the same at a fair market value, and for that purpose the appraiser is authorized, by leave of the county judge, to use subpoenas for and to compel the attendance of witnesses before him, and to take the evidence of such witnesses under oath concerning such property and the value thereof, and he shall make a report thereof and, of such value in writing, to said county judge, with the depositions of the witnesses examined and such other facts in relation thereto and to said matters as said county judge may, by order, require to be filed in the office of the clerk of said county court, and from this report the said county judge shall forthwith assess and fix the then cash value of all estates, annuities and life estates or terms of years growing out of said estate, and the tax to which the same is liable, and shall immediately give notice by mail to all parties known to be interested therein. Any person or persons dissatisfied with the appraisement or assessment may appeal therefrom to the county court of the proper county within sixty days after the making and filing of such appraisement or assessment on paying or giving security satisfactory to the county judge to pay all costs, together with whatever taxes shall be fixed by said court. The said appraiser shall be paid by the county treasurer out of any funds he may have in his hands on account of the inheritance tax collected in said appraisement, as by law provided, on the certificate of the county judge, such compensation as such judge may deem just for said appraiser's services as such appraiser, not to exceed ten dollars per day for each day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses and disbursements, including such witness fees paid by him.

§ 12. The fees of the clerk of the county court in inheritance tax matters in the respective counties of this State, as classified in the Act concerning fees and salaries, shall be as follows:

In counties of the first and second class, for services in all proceedings in each estate before the county judge the clerk shall receive a fee

of five dollars. In all such proceedings in counties of the third class, the clerk shall receive a fee of ten dollars. Such fees shall be paid by the county treasurer, on the certificate of the county judge, out of any money in his hands, on account of said tax. In counties of the third class, the Attorney General of the State may appoint an attorney, who shall be known as the "inheritance tax attorney," and whose salary shall be not to exceed three thousand dollars per year, payable monthly out of the State treasury upon warrants drawn by the Auditor of Public Accounts, on vouchers approved by the Attorney General. In counties of the third class, the clerk of the county court may appoint a clerk in the office of the clerk of said court, to be known as the "inheritance tax clerk," whose compensation shall be fixed by the county judge, not to exceed fifteen hundred dollars per year, and not to exceed the fee earned in said office in inheritance tax matters, the surplus of such fees over said compensation so fixed to be turned into the county treasury. In addition to the above, the clerk of the county court shall be entitled, in all suits brought for the collection of delinquent inheritance tax, and all contested inheritance tax cases appealed from the county judge to the county court, and in all appeals from the county court to the Supreme Court, the same fees as are now, or which may hereafter be, allowed by law in suits at law, or in the matter of appeals at law, to or from the county court, which fees shall be taxed as costs and paid as in other cases at law; and in all cases arising under this Act, including certified copies of documents or records in his office, for which no specific fees are provided, the clerk of the county court shall charge against and collect from the person applying for, or entitled to such services, or certified copies, the same fees as are now, or which may hereafter be, allowed for similar services or certified copies in said court, and for recording inheritance tax receipts required to be recorded in his office, he shall receive the same fees which now are or hereafter may be allowed by law to the recorder of deeds for recording similar instruments.

§ 13. Any appraiser appointed by this Act, who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors, he shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars and imprisoned not exceeding ninety days; and in addition thereto the county judge shall dismiss him from such service.

§ 14. The county court in the county in which the property is situated of the decedent, who was not a resident of the State or in the county of which the deceased was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this Act, and the county court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other.

§ 15. If it shall appear to the county court that any tax accruing under this Act has not been paid according to law, it shall issue a sum-



mons summoning the persons interested in the property liable to the tax to appear before the court on a day certain, not more than three months after the date of such summons, to show cause why said tax should not be paid. The process, practice and pleadings, and the hearing and determination thereof, and the judgment in said court in such cases shall be the same as those now provided, or which may hereafter be provided in probate cases in the county courts in this State, and the fees and costs in such cases shall be the same as in probate cases in the county courts of this State:

§ 16. Whenever it appears that any tax is due and unpaid under this Act, and the persons, institutions or corporations liable for said tax have refused or neglected to pay the same, it shall be the duty of the State's attorney, in counties of the first and second class, and the inheritance tax attorney, in counties of the third class, if he has proper cause to believe a tax is due and unpaid, to prosecute the collection of same in the county court in the proper county, in the manner provided in section fifteen of this Act, for the enforcement and collection of such tax; and in every such case said court shall allow as costs in said case, such fees to said attorney as the court may deem reasonable.

§ 17. The county judge and county clerk of each county shall, every three months, make a statement in writing to the county treasurer of the county of the property from which or the party from whom he has reason to believe a tax under this Act is due and unpaid.

§ 18. Whenever the county judge of any county shall certify that there was probable cause for issuing a summons and taking the proceedings specified in sections 15 and 16 of this Act, the State Treasurer shall pay or allow to the treasury of any county all expenses incurred for service of summons and his other lawful disbursements that has not otherwise been paid.

§ 19. The Treasurer of the State shall furnish to each county judge a book, in which he shall enter the returns made by appraisers, the cash value of annuities, life estates and terms of years and other property fixed by him, and the tax assessed thereon and the amounts of any receipts for payments thereof filed with him, which books shall be kept in the office of the county judge as a public record.

§ 20. The treasurer of each county shall collect and pay to the State Treasurer all taxes that may be due and payable under this Act, who shall give him a receipt therefor, of which collection and payment he shall make a report under oath to the Auditor of Public Accounts, on the first Monday in March and September of each year, stating for what estate paid, and in such form and containing such particulars as the Auditor may prescribe; and for all said taxes collected by him and not paid to the State Treasurer by the first day of October and April of each year, he shall pay interest at the rate of ten per cent per annum.

§ 21. The treasurer of each county shall be allowed to retain two per cent on all taxes paid and accounted for by him under this Act in full for his services in collecting and paying the same, in addition to his salary or fees now allowed by law.

§ 22. Any person or body politic or corporate shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county or the copy of the receipt at his option that may have been given by said treasurer for the payment of any tax under this Act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any deceased may have died seized, said tax has been paid and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the clerk's office of said county in which the property may be situated, in a book to be kept by said clerk for such purpose.

§ 23. When any person interested in any property in this State, which shall have been transferred within the meaning of this Act shall deem the same not subject to any tax under this Act, he may file his petition in the county court of the proper county to determine whether said property is subject to the tax herein provided, in which petition the county treasurer and all persons known to have or claim any interest in said property shall be made parties. The county court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases. An adjudication by the county court, as herein provided, shall be conclusive as to the lien of the tax herein provided upon said property, subject to appeal to the Supreme Court of the State by the county treasurer, or Attorney General of the State, in behalf of the people, or by any party having an interest in said property. The fees and costs in all cases arising under this section shall be the same as are now or may hereafter be allowed by law in cases at law in the county court.

§ 24. The lien of the collateral inheritance tax shall continue until the said tax is settled and satisfied: *Provided*, that said lien shall be limited to the property chargeable therewith: *And, provided, further*, that all inheritance taxes shall be sued for within five years after they are due and legally demandable, otherwise they shall be presumed to be paid and cease to be a lien as against any purchaser of real estate.

§ 25. When property is transferred or limited in trust or otherwise, and the rights, interest or estates of the transferees or beneficiaries are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this article, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred: *Provided, however*, that on the happening of any contingency whereby the said property, or any part thereof is transferred to a person, corporation or institution exempt from taxation under the provisions of the inheritance tax laws of this State, or to any person, corporation or institution taxable at a rate less than the rate imposed and paid, such

person, corporation or institution shall be entitled to a return of so much of the tax imposed and paid as is the difference between the amount paid and the amount which said person, corporation or institution should pay under the inheritance tax laws, with interest thereon at the rate of three per centum per annum from the time of payment. Such return of over-payment shall be made in the manner provided for refunds under section eight.

Estates or interests in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for the purposes of taxation, upon which said estates or interests in expectancy may have been limited.

Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

§ 26. The State Treasurer, by and with the consent of the Attorney General expressed in writing, is hereby empowered and authorized to enter into an agreement with the trustees of any estate in which remainders or expectant estates have been of such a nature, or so disposed and circumstanced that the taxes therein were held not presently payable, or where the interests of the legatees or devisees were not ascertainable under an Act to tax gifts, legacies, and inheritances, etc., in force July 1, 1885, and amendments thereto; and to compound such taxes upon such terms as may be deemed equitable and expedient; and to grant discharge to said trustees upon the payment of the taxes provided for in such composition: *Provided, however*, that no such composition shall be conclusive, in favor of said trustees as against the interests of such *cestuis que* trust as may possess either present rights of enjoyment, or fixed, absolute or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto, either personally, when competent, or by guardian. Composition or settlement made or effected under the provisions of this section shall be executed in triplicate, and one copy filed in the office of the State Treasurer, one copy in the office of the clerk of the county court wherein the appraisal was had or the tax was paid, and one copy delivered to the executors, administrators or trustees who shall be parties thereto.

§ 27. If it appears at any stage of an inheritance tax proceeding that any person known to be interested therein is an infant or person under disability, the county judge may appoint a special guardian of such infant or person under disability.

§ 28. When the beneficial interests of any property or income therefrom shall pass to or for the use of any hospital, religious, educational, bible, missionary, tract, scientific, benevolent or charitable purpose, or

to any trustee, bishop or minister of any church or religious denomination, held and used exclusively for the religious, educational or charitable uses and purposes of such church or religious denomination, institution or corporation, by grant, gift, bequest or otherwise, the same shall not be subject to any such duty or tax, but this provision shall not apply to any corporation which has the right to make dividends or distribute profits or assets among its members.

§ 29. When property, or any interest therein or income therefrom, shall pass to or for the use of any person, institution or corporation by the death of another, by deed, instrument or memoranda, such passing shall be deemed a transfer within the meaning of this Act, and taxable at the same rates, and be appraised in the same manner and subjected to the same duties and liabilities as any other form of transfer provided in this Act.

§ 30. On the written request of the county treasurer or county judge, in the county wherein an appraisalment has been initiated, the clerk of the county court and in counties having a probate court, the clerk of the probate court and the recorder of deeds shall furnish certified copies of all papers within their care or custody, or records material in the particular appraisalment, and the said clerk and recorder shall receive the same fee or compensation for such certified copies as they would be entitled by law in other cases, which shall be paid to them by the county treasurer of the proper county, out of moneys in his hands on account of inheritance tax collections, on the presentation of itemized bills therefor, approved by the county judge of the proper county.

§ 31. That "An Act to tax gifts, legacies and inheritances in certain cases, and to provide for the collection of the same," approved June 15, 1895, in force July 1, 1895, as amended by Act approved May 10, 1901, in force July 1, 1901, and all laws or parts of laws inconsistent herewith be and the same are hereby repealed: *Provided, however*, that such repeal shall in no wise affect any suit, prosecution or court proceeding pending at the time this Act shall take effect, or any right which the State of Illinois may have at the time of the taking effect of this Act, to claim a tax upon any property under the provisions of the Act or Acts hereby repealed, for which no proceeding has been commenced; and all appeals and rights of appeal in all suits pending, or appeals from assessments of tax made by appraisers' reports, orders fixing tax or otherwise existing in this State at the time of the taking effect of this Act.

APPROVED June 14, 1909.

## LEVY AND EXTENSION OF TAXES—LIMITATION.

§ 1. Amends section 2, Act of 1901.

§ 2. County clerk to ascertain rate—aggregate not to exceed three per cent—reductions.

(HOUSE BILL NO. 294. APPROVED JUNE 14, 1909.)

AN ACT to amend section 2 of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

§ 2. The county clerk in each county shall ascertain the rates per cent required to be extended upon the assessed valuation of the taxable property in the respective towns, townships, districts, incorporated cities and villages in his county, as equalized by the State Board of Equalization for the current year, to produce the several amounts certified for extension by the taxing authorities in said county (as the same shall have been reduced as hereinbefore provided in all cases where the original amounts exceed the amount authorized by law): *Provided, however,* that if the aggregate of all the taxes (exclusive of State taxes, village taxes, levee taxes, school building taxes, high school taxes, road and bridge taxes, and also bonded indebtedness taxes in cities whose bonded indebtedness exceeds six per cent of the assessed valuation of the property therein upon which under existing laws, taxes are required to be extended, and taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified to be extended against any property in any part of any taxing district or municipality, shall exceed three per cent of the assessed valuation thereof upon which the taxes are required to be extended, the rate per cent of the tax levy of such taxing district or municipality shall be reduced as follows: The county clerk shall reduce the rate per cent of the tax levy of such taxing district or municipality in the same proportion in which it would be necessary to reduce the highest aggregate per cent of all the tax levies (exclusive of State taxes, village taxes, levee taxes, school building taxes, high school taxes, road and bridge taxes, and also bonded indebtedness taxes in cities whose bonded indebtedness exceeds six per cent of the assessed valuation of the property therein upon which, under existing laws, taxes are required to be extended, and taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified for extension upon any of the taxable property in said taxing district or municipality, to bring the same down to three per cent of the assessed value of said taxable property upon which said taxes are required by law to be extended: *Provided, further,* that in reducing tax levies hereunder the rate per cent of the tax levy

for county purposes in counties having a population of over 300,000 shall not be reduced below a rate of forty cents on each one hundred dollars assessed value, and in counties having a population of less than 300,000 the rate of the tax levy for county purposes shall not be reduced below a rate of forty-five cents on each one hundred dollars assessed value, and the rate per cent of the tax levy for city or village purposes (exclusive of library, school and park purposes) in cities and villages having a population of over 150,000 shall not be reduced below a rate of one dollar and ten cents on each one hundred dollars assessed value, and the rate per cent of the school tax for educational purposes shall not be reduced below a rate of one dollar and five cents on each one hundred dollars assessed value, and in cities and villages having a population of less than 150,000 shall not be reduced below a rate of one dollar and twenty cents, exclusive of the taxes levied in such cities or villages having a population of less than 150,000 for the payment of the principal of and the interest on bonded indebtedness, on each one hundred dollars assessed value, and the rate per cent of the school tax levy for educational purposes shall not be reduced below a rate of one dollar and fifty cents on each one hundred dollars assessed value, but the other taxes which are subject to reduction under this section shall be subject only to such reduction, respectively, as would be made therein under this section if this proviso were not inserted herein: *And, provided, further*, in reducing tax levies hereunder all school taxes levied in cities exceeding 150,000 inhabitants, with the exception of the levy for school building purposes, shall be included in the taxes to be reduced.

The rate per cent of the tax levy of every county, city, village, town, township, school district, park district, sanitary district, road district, and other public authorities (except the State), shall be ascertained and determined (and reduced when necessary as above provided), in the manner hereinbefore specified, and shall then, commencing with the year 1909 be extended by the county clerk upon the assessed value of the property subject thereto (being one-third of the full value thereof) as equalized according to law. In reducing the rate per cent of any tax levy, as hereinbefore provided, the rates per cent of all tax levies certified to the county clerk for extension as originally ascertained and determined under section one of this Act shall be used in ascertaining the aggregate of all taxes certified to be extended, without regard to any reductions made therein under this section: *Provided*, that no reduction of any tax levy made hereunder shall diminish any amount appropriated by corporate or taxing authorities for the payment of the principal or interest on bonded debt, or levied pursuant to the mandate or judgment of any court of record. And to that end every such taxing body shall certify to the county clerk with its tax levy, the amount thereof required for any such purposes.

In case of a reduction hereunder any taxing body whose levy is affected thereby and whose appropriations are required by law to be itemized, may, after the same have been ascertained, distribute the amount

of such reduction among the items of its appropriations, with the exceptions aforesaid, as it may elect. If no such election be made within three months after the extension of such tax, all such items, except as above specified, shall be deemed to be reduced *pro rata*.

APPROVED June 14, 1909.

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TAX LEVY FOR COUNTY PURPOSES.

§ 1. Amends section 121, Act of 1872. | § 121. As amended, adds proviso.

(SENATE BILL NO. 154. APPROVED JUNE 5, 1909.)

AN ACT to amend section 121 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 121 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same is hereby amended to be as follows:

§ 121. The county board of the respective counties shall, annually, at the September session, determine the amount of all county taxes to be raised for all purposes. The aggregate amount shall not exceed the rate of seventy-five cents on the one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of the present State constitution, unless authorized by a vote of the people of the county. When for several purposes, the amount for each purpose shall be stated separately: *Provided, however,* that in all counties where, under any law, the county board is or may be required to pass an annual appropriation bill within the first quarter of the fiscal year, the tax levy above provided for may be made at any time after such annual appropriation bill shall be in full force and effect.

APPROVED June 5, 1909.

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ROADS AND BRIDGES.

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BRIDGES, ETC., OUTSIDE CITIES AND VILLAGES—DONATION TO COUNTIES.

§ 1. Authorizes donation—resolution—certificate—ownership.

(HOUSE BILL NO. 629. APPROVED JUNE 9, 1909.)

AN ACT to enable cities and villages to donate to counties, bridge, bridges, highway and toll roads owned or constructed by cities or villages outside the cities or villages and to be forever kept open for public travel and maintained by counties.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be lawful for any city

or village within this State by resolution to donate any bridge, bridges, highway or toll road owned by it, or hereafter constructed by it, outside the city or village, to the county in which said bridge, bridges, highway or toll road is located, upon the State Highway Commissioners certifying to the board of supervisors in counties under township organization and to [the] board of county commissioners in counties not under township organization of the county in which the bridge, bridges, highway or toll road is located, that the bridge, bridges, highway or toll road proposes to be donated is of such construction and repair to be safely used by the public for travel, and upon the filing of such resolution and certificate with the county clerk of the county in which the bridge, bridges, highway or toll road is located, the county shall own said bridge, bridges, highway or toll road and forever keep it or them, in repair and free to the public for travel.

APPROVED June 9, 1909.

#### BRIDGES ON OR NEAR BOUNDARY LINES.

§ 1. Amends section 21, Act of 1883.

§ 21. As amended, includes bridges near boundary line.

(SENATE BILL NO. 195. APPROVED JUNE 5, 1909.)

AN ACT to amend section 21 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, as amended by Act approved April 12, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 21 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, as amended by Act approved April 12, 1899, in force July 1, 1899, be and the same is hereby amended to read as follows:

§ 21. Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, and bridges within eighty rods of county or town lines over streams on roads extending from one county or town into another county or town and crossing county or town lines, shall be built and repaired at the expense of such towns or counties. And all such bridges over streams which form the boundary line between two counties, and all such bridges within eighty rods of such boundary line, when the cost of constructing the same shall be \$5,000 or over, shall be built by such counties respectively in the proportion that the taxable property in each county respectively bears to each other according to its assessed value as equalized at the time of constructing such bridge. And when any county desires to build any such bridge across any stream which is the boundary line between such county and another county, or desires to build any such bridge within eighty rods



of such boundary line, and the cost of such bridge will equal or exceed \$5,000, and the county desiring to construct such bridge has appropriated its share of the cost of constructing the same, then it shall be the duty of such other county to make an appropriation for its proportion of the cost of said bridge on the basis of the assessed value of the property, real and personal, of each of said counties according to the last preceding assessment thereof as equalized, and if such other county fails or refuses to make an appropriation for its proper proportion of the cost of constructing such bridge, any court of competent jurisdiction shall issue an order to compel such county to make such appropriation upon a proper petition for that purpose, and the cost and expense of maintaining and keeping the same in repair after the same is built and constructed shall be borne in the proportion of the assessed value of the property in each of said counties according to the latest equalized assessment thereof: *Provided*, that for the building and maintaining of bridges over streams near county or town lines in which both are interested and where the cost thereof is less than \$5,000, the expense of building and maintaining any such bridge shall be borne by both counties or towns in such portion as shall be just and equitable between said towns or counties, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioners in making contracts for the same, as provided for in section 22 of this Act.

APPROVED June 5, 1909.

#### HARD ROADS—PETITION, SPECIAL ELECTION.

§ 1. Amends sections 1 and 4a, Act of 1883.

§ 1. Petition by twenty-five per cent of land owners—contents of petition — notice by county clerk — tax rate.

§ 4a. Borrowing money—form of petition — how signed—form of ballot—bonds — limitation of indebtedness.

(HOUSE BILL No. 406. APPROVED JUNE 14, 1909.)

AN ACT to amend sections 1 and 4a of an Act entitled, "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883; as amended by Act approved May 16, 1905, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1 and 4a of an Act entitled, "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883; as amended by Act approved May 16, 1905, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907, be and the same hereby is amended to read as follows:

§ 1. That on the petition of twenty-five per cent of the land owners, who are legal voters of any township to the town clerk thereof, in counties under township organization, or road districts in counties not under township organization, to the county clerk, he shall, when giving notice of the time and place for holding the next annual town meeting or road district meeting also give notice that a vote will be taken at said election for or against levying a tax not to exceed one dollar on each one hundred dollars assessed valuation of all the taxable property, including railroads, in the township or road districts, for the purpose of constructing and maintaining gravel, rock, macadam or other hard roads. Said petition shall state the location and route of the proposed road or roads, and shall also state the rate per cent not exceeding one dollar on each one hundred dollars, and the number of years, not exceeding five, for which said tax shall be levied if in any such petition a special election shall be requested for such purpose, it shall be called in the manner provided for calling special elections in section 4a of this Act.

§ 4a. That in any township in counties under township organization, and in any road district in counties not under township organization, wherein the people have at any time voted for a special tax for gravel, rock, macadam or other hard roads, as provided in section [s] 1 and 2 of this Act or concurrently with the election for such special tax if the commissioners desire to expend on hard roads in their town (or district) a greater sum than is available to them from other sources, they, or a majority of them, may petition the supervisor of the town (or the county clerk of the county) to call a special election to vote on the proposition, which shall be clearly stated in the petition, substantially as follows:

To borrow ..... dollars to construct and maintain gravel, rock, macadam or other hard roads in the town (or district) of..... Which said petition shall be signed by said commissioners, or a majority of them, in their official capacity, and by one hundred of the freeholders of said town (or district) (or where there may be less than two hundred such freeholders, then a majority of them), and thereupon such petition shall be filed in the office of the town clerk of such town (or the county clerk in counties not under township organization). Upon the filing of such petition, the supervisor shall order the town clerk, by an instrument in writing to be signed by him, to post up in ten of the most public places in said town, notices of such special election (or in counties not under township organization the county clerk shall post such notices in said district), which notice shall state the object, time and place of meeting, the maximum sum to be borrowed, and the manner in which the voting is to be had, which shall invariably be by ballot, and shall be, "For borrowing money to (here define the purpose)," or "Against borrowing money (here define the purpose)." The special election shall be held at the place of the last annual town (or district) election, by giving at least ten days' notice, and returns thereof made in the same manner as other special town (or district) elections are now or may

hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said elections shall be in favor of said proposition the supervisor and town clerk (or the county clerk) acting under the direction of the commissioners of said town shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town (or district) for the purpose of building and maintaining gravel, rock, macadam or other hard roads; said bonds to be of such denominations, bear such rate of interest, not exceeding 5 per cent, upon such time, and be disposed of as necessities and convenience of said town (or district) officers require: *Provided*, that said bonds shall not be sold or disposed of either by sale or by payment to contractors for labor and materials for less than their par value; such bonds to be issued in not more than ten annual series; the first series of which shall mature not more than five years from the date thereof and each succeeding series in succeeding years thereafter. A record of all issues of said bonds shall be kept in the office of the county clerk of the county in which said township or districted [district] is located, and it shall be the duty of such county clerk to extend annually against the property in said township or road district a tax sufficient to pay the interest of said bonds in each year prior to the maturity of such first series and thereafter he shall extend the tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which shall be signed by the same officers who execute the bonds: *Provided, however*, that the amount, including the principal and interest to be voted upon shall not exceed the amount which can be raised during a period of five years by a levy of one dollar on each one hundred dollars of taxable property in said township (or district) as computed on the value of such property as taken for assessment purposes in such town (or district): *And, provided, however*, that the total amount of such bonded indebtedness shall in no case exceed thirty-five thousand dollars (\$35,000), and such town or district shall provide for the payment of such bonds and the interest thereon by appropriate taxation. (Added by Act approved June 3, 1907, in force July 1, 1907.)

APPROVED June 14, 1909.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.  
DISTRICT TAX—DAMAGES OR BENEFITS.

§ 1. Amends sections 62 and 64, Act of 1887.

§ 62. Highway commissioners to fix rate of road tax—limitation.

§ 64. Damages or benefits to be included in next tax levy—to constitute a separate fund.

(HOUSE BILL NO. 71. APPROVED JUNE 14, 1909.)

AN ACT to amend [sections] 62 and 64 of an Act entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an Act and parts of Acts therein named," approved May 4, 1887, in force July 1, 1887, and as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 62 and 64 of an Act entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named," approved May 4, 1887, in force July 1, 1887, and as amended, be and the same hereby are amended so as to read as follows:

§ 62. At the meeting to be held in September, the commissioners shall determine what per cent shall be levied on the property of the district for roads and bridges, which levy shall not exceed thirty cents on each one hundred dollars: *Provided*, that the county board shall make the first levy provided for by this Act.

§ 64. When damages or benefits have been agreed upon, allowed or awarded for laying out, widening, altering or vacating roads, or for ditching or leveeing to drain or protect roads, the amounts of such damages or benefits, or of any installment or installments thereof, not to exceed for any one year twelve (12) cents on each \$100.00 of the taxable property of the town or road district, shall be included in the first succeeding tax levy provided for in section 62 of this Act, and shall be in addition to the levy for road and bridge purposes; and when collected shall constitute and be held by the treasurer of the road district as a separate fund, to be paid out to the parties entitled to receive the same.

APPROVED June 14, 1909.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.  
TAX FOR ROAD PURPOSES—HOW ASSESSED AND COLLECTED.

§ 1. Amends section 36, Act of 1901.

§ 36. Rate fixed at 30 cents  
per hundred dollars—  
collection—appropriation.

(HOUSE BILL NO. 69. APPROVED JUNE 14, 1909.)

AN ACT to amend section 36 of an Act entitled, "*An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same,*" approved May 10, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 36 of an Act entitled, "*An Act in regard to roads and bridges in counties not under township organization, and to provide for the adoption of the same,*" approved May 10, 1901, be and the same is hereby amended so as to read as follows:

§ 36. The county board in counties not under township organization, in addition to the work required in the foregoing section (34) shall, at the September session, annually, assess a road tax of not more than thirty cents on each one hundred dollars' worth of taxable property, real and personal, or either, within their counties; and a column in the tax book shall designate the amount of such road tax due from each person from whom the same is to be collected; which tax shall be collected by the collector as other county revenue, and paid into the treasury in like manner; and the county board shall appropriate the same on roads and bridges, and the purchase of necessary tools, implements and machinery for working the roads within the road district from which said taxes may be collected, or so much of it as the supervisor of said district shall deem necessary to keep the roads and bridges of such road district in good repair, and all overplus, if there be any, shall be paid into the county treasury: *Provided*, that the above assessment herein for road purposes shall not be calculated as a part of the constitutional limit for county purposes.

APPROVED June 14, 1909.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.  
TAXES EXTENDED—HOW COLLECTED AND PAID.

§ 1. Amends section 16, Act of 1883.

§ 16. As amended, requires  
tax in cities of 20,000  
to be paid to city  
treasurer.

(HOUSE BILL NO. 17. APPROVED JUNE 15, 1909.)

AN ACT to amend section 16 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, as amended by an Act entitled, "An Act to amend section sixteen of an Act entitled, 'An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named,' approved June 3, 1889, in force July 1, 1889."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixteen of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, as amended by an Act entitled, "An Act to amend section sixteen of an Act entitled, 'An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named,' approved June 3, 1889, in force July 1, 1889," be and the same is hereby amended so as to read as follows:

§ 16. The commissioners, at said semi-annual meeting, shall make a certificate of the rate per centum finally agreed upon by virtue of sections thirteen and fourteen of this Act; also the amount to liquidate road and ditch damages, and shall cause such certificate to be delivered to the town clerk, to be kept by him on file for the inspection of the inhabitants of said town; and the town clerk shall at once certify these two items of levy to the county clerk, to be by him extended as one tax upon the collector's book of said town, to be collected as other taxes, and when collected shall be paid to the treasurer of the commissioners by the collector as fast as the same is collected, except such rate per cent as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in sections thirteen and fourteen and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *And, provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *Provided, further*, that in all cities of twenty thousand (20,000) inhabi-

tants or upwards, all of said tax required to be levied and collected under said sections thirteen and fourteen, within the limits of such city, shall be paid over to the treasurer of such city, for city purposes.

APPROVED June 15, 1909.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.  
TAX FOR ROAD PURPOSES.

§ 1. Amends Act of 1883.	§ 83. Road tax on property in incorporated municipalities.
§ 13. Highway commissioners to fix rate of tax.	§ 119. Highway commissioners to determine tax rate — statement to township supervisor or county board. Additional tax—how ordered. Tax within municipalities.
§ 14. Additional for emergency—limitation.	
§ 19. County aid for road and bridge work — petition —supervision of work.	

(HOUSE BILL No. 70. APPROVED JUNE 14, 1909.)

AN ACT to amend sections 13, 14, 19, 83 and 119 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 13, 14, 19, 83 and 119 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and as amended, be and the same hereby are amended so as to read as follows:

§ 13. The commissioners shall also meet semi-annually on the same day and at the same place of meeting of the board of town auditors. At the meeting immediately preceding the annual meeting of the county board the commissioners shall determine what per cent of tax shall be levied on the property of the town for road and bridge purposes and for the payment of any outstanding orders drawn by them on their treasurer, which levy shall not exceed thirty-six cents on each one hundred dollars.

§ 14. If, in the opinion of the commissioners, a greater levy is needed in view of some contingency, they may certify the same to the board of town auditors and the assessor, a majority of whom shall be a quorum, and with the consent of a majority of this entire board given in writing, an additional levy may be made of any sum not exceeding twenty-five cents on the one hundred dollars of the taxable property of the town.

§ 19. When it is necessary to construct or repair and [any] bridge over a stream, or any approach or approaches thereto, by means of an embankment or trestle work on a public road, in any town or on or near to or across a town line, in which work the town is wholly or in part responsible, and the cost of which will be more than twelve cents on the one hundred dollars on the latest assessment roll, and the levy of the

road and bridge tax for two years last past in said town was in each year for the full amount of twenty-five cents on each one hundred dollars allowed by law for the commissioners to raise, the major part of which is needed for the ordinary repair of roads and bridges, the commissioners may petition the county board for aid, and if the foregoing facts shall appear, the county board shall appropriate from the county treasury a sum sufficient to meet one-half the expenses of the said bridge or other work, on condition the town asking aid shall furnish the other half of the required amount: *Provided*, that said commissioners shall, when it is determined by them that they will ask said county aid, as provided for in this section, and before any contract for work or material or any other expense may have been entered into, present their said petition to the county board, if it shall be in session, and if it shall not be in session, to the chairman of said county board, whereupon said county board or the chairman thereof, as the case may be, shall appoint three members of said board, none of whom shall reside in the town, asking aid as aforesaid, to represent the county in said matter, and said supervisors, when so appointed and notified, shall meet said commissioners at time and place to be selected by said commissioners, and the commissioners and supervisors shall organize by electing one of their members chairman, and said commissioners and supervisors shall make all contracts in manner provided by law for work, material and other expenses necessary for the construction or repairing of said bridge, or approach, or approaches thereto, a majority vote of said commissioners and three supervisors being necessary to make any contract or incur any expense: *And, provided, further*, that all expenditures shall be made by said commissioners and supervisors, and the county board shall not be liable for any part of said expenses or compelled to pay any part of its appropriation until all of the work has been fully completed and accepted by said commissioners and supervisors and said facts properly certified to by said supervisors and presented to said county board at a meeting held after the completion of said work, which certificate shall contain an itemized account of the expenditures: *And, provided, further*, if the supervisors and commissioners, when organized as aforesaid, shall fail to agree or come to a conclusion on the matters before them, they shall, on account of a tie, summon a reputable citizen, who is a householder of said county but not a resident of the town asking aid, said summons to be served by any constable of the county, and all questions in dispute and remaining unsettled shall be submitted to him, whose decision shall be final on all matters so submitted. The fees of the householder shall be the same as that of the supervisors, and the constable's fees shall be the same as constable's fees for summoning a jury, and all of said fees of said members of said commission and constable fees shall be paid out of said funds as part of the expenses.

§ 83. The commissioners of highways of each town shall annually ascertain, as near as practicable, how much money must be raised by tax



on real and personal property, and railroad property known as "railroad track" and "rolling stock," for the making and repairing of roads only, to any amount they may deem necessary, not exceeding twenty-five cents on each one hundred dollars' worth, as equalized and assessed by the State Board of Equalization, for the purposes of taxation for the previous year, and shall levy and assess the same as a road tax against said property: *Provided*, that the tax on the property levied for road purposes only lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *And, provided, further*, that the authorities of such incorporated town, city or village, may, at any time, direct the collector not to collect the tax so levied within the limits of such incorporated town, city or village.

§ 119. The highway commissioners of each town shall, annually, ascertain, as near as practicable, how much money must be raised on real, personal and railroad property, for the making and repairing of bridges, the payment of damages by reason of the opening, altering and laying out of new roads and ditches, the purchase of necessary tools, implements and machinery for working roads, the purchase of the necessary material for building or repairing or draining roads and bridges, the pay of the overseer of highways during the ensuing year, and for the payment of all outstanding orders drawn by the commissioners on their treasurer, commencing on Tuesday next preceding the annual [meeting] of the county board in September, which tax shall be extended on the tax books according to the assessment of the current year; and shall levy a tax on all the real, personal and railroad property in said town, not exceeding twenty-five cents on the one hundred dollars; and they shall give to the supervisor of the township and in Cook county to the county board, a statement of the amount necessary to be raised, and the rate per cent of taxation, signed by said commissioners, or a majority of them, on or before the Tuesday next preceding the annual September meeting of the board of supervisors, or the county board of Cook county, who shall cause the same to be submitted to said board for their action at such September meeting of said board: *Provided*, that if the commissioners of highways, or any three legal voters, shall give notice by posting notices in at least three of the most public places of the town, at least ten days before the annual meeting, that a larger amount of money will be required for the purpose of constructing or repairing roads or bridges in their town than can be realized from the real, personal and railroad tax authorized by law to be assessed by the commissioners, the legal voters present at such meeting may authorize an additional amount to be raised by tax, not exceeding twenty-five cents on each one hundred dollars

valuation, and said board shall cause the same to be extended as one tax on the collector's books of said town, to be collected as other taxes, and when collected shall be paid to the treasurer of the commissioners by the collector as fast as the same is collected, except such rate per cent as shall be allowed for collecting the same: *Provided*, that one-half of said tax required to be levied by this section on property lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated for the improvements of roads, streets and bridges either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *And, provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *Provided, further*, that in all cities of fifteen thousand (15,000) inhabitants or upwards, all of said tax required to be levied and collected under this section, within the limits of such city, shall be paid over to the treasurer of such city for city purposes.

APPROVED June 14, 1909.

#### MOTOR VEHICLES—ANNUAL REGISTRATION, ETC.

- § 1. Amend sections 2, 3, 4, 7 and 14, Act of 1907.
- § 2. Annual registration by owners—certificate of registration.
- § 3. Numbers to be displayed upon motor vehicles.

- § 4. Lamps.
- § 7. Registration by subsequent purchasers.
- § 14. Chaffeurs' registration and record—fee.

(HOUSE BILL No. 666. APPROVED JUNE 10, 1909.)

AN ACT to amend sections 2, 3, 4, 7 and 14 of an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3, 4, 7 and 14 of an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907, be and the same are hereby amended to read as follows:

§ 2. REGISTRATION BY OWNERS OF AUTOMOBILES—CERTIFICATE OF REGISTRATION.] Every owner of a motor vehicle which shall be driven in this State shall, except as otherwise provided in this Act, within ten days after he becomes the owner of such vehicle, file in the office of the Secretary of State an application properly sworn to, setting forth his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, and the amount of such motor power stated in figures of horse power, on a blank to be prepared and furnished by such Secretary of State for that purpose, and shall pay to said Secretary of State a registration fee of two dollars per annum for each motor vehicle owned by the person making such application. Said registration shall be made on the date the application is received and filed by the Secretary of State and shall expire one year thereafter. Upon the filing in the office of the Secretary of State of said application, as hereinbefore provided, the Secretary of State, or his duly authorized agent, shall, without further fee, assign to such motor vehicle, as described in such application, a distinctive number, and shall issue to the owner of such motor vehicle, as it is described in the application filed, a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the motor power, and the amount of such motor power stated in figures of horse power. The Secretary of State shall also issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having stamped thereon the words, "Registered Motor Vehicle No. . . Ill. Motor Vehicle Law," with the registration number inserted therein, which seal shall thereafter at all times be affixed to the motor vehicle to which such number has been assigned. Duplicate certificates of registration will be issued upon the payment of a fee of 50 cents and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed.

The Secretary of State shall cause the name of such owner, with his address, registration number and date of the filing of application and the description of such motor vehicle or motor vehicles to be entered in alphabetical order of the owner's name, in a book to be kept for such purpose in the office of said Secretary of State: *Provided*, that this section shall not apply to manufacturers of, or dealers in, motor vehicles in this State, except as to vehicles kept by such manufacturers or dealers for private use or for public hire.

Any person who has registered his motor vehicle in this State prior to the time when this Act shall take effect, shall be exempt from the provisions of this section until the expiration of one year from the date of said registration. The Secretary of State shall, once a year, and

oftener if he deems necessary, print and mail to the clerks of all counties in the State, lists of registrations made in accordance herewith, together with the numbers of the motor vehicles and the names and addresses of the owners thereof.

§ 3. NUMBERS TO BE DISPLAYED UPON MOTOR VEHICLES.] The owner of each motor vehicle shall have a number corresponding with the number of the certificate of registration and registration seal issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and back of every such motor vehicle owned by him, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State; such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be of a width not less than one-half of an inch, and also, as part of such number, the letters ILL.; such numbers and letters shall be black on white ground, and such letters to be not less than one inch in height. Said owner shall not be required to place any other marks of identity upon said motor vehicle.

§ 4. LAMPS.] Every motor vehicle shall carry, during the period from sunset to one hour before sunrise, at least two lighted lamps, showing white lights visible at least two hundred feet in the direction toward which each motor vehicle is proceeding, and shall also exhibit at least one red light, visible in the reverse direction, attached to the rear of such motor vehicle.

§ 7. REGISTRATION BY SUBSEQUENT PURCHASER.] The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer shall, within ten days after such sale, join in a statement and send the same by mail to the Secretary of State, together with a filing fee of fifty cents, to be paid by the vendor, and thereupon said registration shall cease to apply to the motor vehicle so sold; and the purchaser of such motor vehicle shall register the same as in case of an original registration, and another and different number than the original registration number shall be assigned to said motor vehicle, and the said original registration number shall be canceled by the Secretary of State.

§ 14. CHAUFFEURS' REGISTRATION AND RECORD—FEE.] Every person hereafter desiring to operate a motor vehicle as chauffeur, which is hereby defined to mean any person operating a motor vehicle as mechanic or employ [employé] or for hire, shall file in the office of the Secretary of State, on a blank to be supplied by such Secretary of State, an application properly sworn to, which shall include his name and address and motor power of the motor vehicle or vehicles he is competent to operate, and shall pay a registration fee of one dollar per annum, and thereupon the Secretary of State shall file such application in his office, register such chauffeur in a book or index to be kept for that purpose and assign to him a number. Said registration shall be made on the date the application is received and filed by the Secretary of State and shall expire one year thereafter. Any person who has been regis-

tered as a chauffeur in this State prior to the time when this Act shall take effect shall be exempt from the provisions of this section until the expiration of one year from the date of said registration.

APPROVED June 10, 1909.

MOTOR VEHICLES—LAMPS, SPEED, PENALTIES.

§ 1. Amends sections 4, 10 and 19,  
Act of 1907.

§ 4. Lamps and numbers  
thereon.

§ 10. Speed.

§ 19. Penalties.

(HOUSE BILL NO. 672. APPROVED JUNE 11, 1909.)

AN ACT to amend sections 4, 10 and 19 of an Act entitled, "An Act defining motor vehicles, and providing for the registration of the same, and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 4, 10 and 19 of an Act entitled, "An Act defining motor vehicles, and providing for the registration of the same, and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith," filed May 28, 1907, in force July 1, 1907, be and the same are hereby amended so as to read as follows:

§ 4. Every motor vehicle shall carry during the period from sunset to one hour before sun-rise at least two lighted lamps, showing white lights visible at least two hundred (200) feet in the direction toward which each motor vehicle is proceeding and shall also exhibit at least one lighted lamp, which shall be so situated as to throw a red light visible in the reverse direction. The identification number at the back of the vehicle, provided for in section 3, shall be permanently attached to the vehicle so that it will not swing loosely and shall be so lighted as to be plainly visible.

Upon each of the glass fronts of the two first mentioned lamps, showing white lights, shall be displayed in such manner as to be plainly visible, when such lamps are lighted, the number of the certificate issued as aforesaid by the Secretary of State, and in addition thereto the letters ILL., such figures to be in separate Arabic numerals not less than one inch in height.

§ 10. No person shall drive a motor vehicle or motor bicycle upon any public highway in this State at a speed greater than is reasonable and proper having regard to the traffic and the use of the way or so as

to endanger the life or limb or injure the property of any person. If the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passes through the closely built up business portions of any incorporated city, town or village exceeds ten (10) miles an hour for a distance of one-eighth of a mile or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway in this State where the same passes through the residence portions of any incorporated city, town or village exceeds fifteen (15) miles an hour for a distance of one-eighth of a mile or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway in this State outside the closely built up business portions and the residence portions of any incorporated city, town or village exceeds twenty (20) miles an hour for a distance of one-quarter of a mile such rates of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable and proper having regard to the traffic and use of the way or so as to endanger the life or limb or injure the property of any person. If the rate of speed of a motor vehicle or motor bicycle operated on any public highway in this State in going around a corner or curve in a highway where the operator's view of the road traffic is obstructed exceeds six (6) miles an hour such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable having regard to the traffic and the use of the way or so as to endanger the life or limb or injure the property of any person.

§ 19. Any person wilfully violating the provisions of this Act shall, except as otherwise provided herein, upon conviction, be fined in a sum not to exceed the amounts hereinafter set forth:

For a violation of section two, twenty-five dollars.

For a violation of section three, twenty-five dollars.

For a violation of section four, twenty-five dollars.

For a violation of section five, twenty-five dollars.

For a violation of section six, twenty-five dollars.

For a violation of section seven, twenty-five dollars.

For a violation of section nine, twenty-five dollars.

For a violation of section ten, subdivision a, two hundred dollars.

For a violation of section ten, subdivision b, two hundred dollars.

For a violation of section ten, subdivision c, two hundred dollars.

For a violation of section twelve, two hundred dollars.

For a violation of section fourteen, ten dollars.

For a violation of section fifteen, fifteen dollars.

For a violation of section seventeen, one hundred dollars.

Any provision not herein specifically mentioned, one hundred dollars: *Provided*, that any offender who shall have been found guilty of a violation of any section of this Act, and find [fined] therefor, and who shall within six months thereafter be convicted of a second violation of such section, may be fined in a sum not exceeding double the penalty herein provided for a first violation, and in addition thereto may have his certificate or license issued by the Secretary of State revoked for a period

not exceeding sixty days; and for a third or subsequent violation of such section within six months after the date of such second violation, the certificate of license may, in addition to the fine provided for a second offense, be revoked for a period not exceeding six months. Any person whose license shall have been revoked for a violation of any of the provisions of this Act, and who shall drive or operate a motor vehicle within the State of Illinois during the period for which his said license shall have been revoked, or any person who, having once been convicted of a failure to comply with the provisions of this Act, requiring a registration of chauffeurs, shall fail or refuse to comply with said provisions, shall be deemed guilty of a misdemeanor, and on conviction may be fined in a sum not to exceed two hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days, or both, in the discretion of the court. All fines imposed for the violation of any of the provisions of this Act shall be paid to the treasurer of the highway commissioners of the township or road district in which the offense is committed by the justice of the peace, clerk of the court or other officer to whom the amount of such fines shall be by law required to be paid by the constable, bailiff, sheriff or other officer named in any execution issued for the collection of the same; and all moneys so received by the treasurer of the highway commissioners shall be used in repairing and improving the roads within such township or road district: *Provided, however,* that whenever any such violations shall occur within the limits of any city, village or incorporated town, or within the jurisdiction of any board of park commissioners wherein no commissioners of highways exist or have jurisdiction, in such case all fines imposed for the violation of any of the provisions of this Act shall be paid to the treasurer of such city, village or incorporated town, or to the park commissioners within whose jurisdiction the offense is committed by the justice of the peace, clerk of the court or other officer, to whom the amount of such fines shall be by law required to be paid by the constable, bailiff, sheriff or other officer named in any execution issued for the collection of the same, and all moneys so received by the treasurer of such city, village or incorporated town, or park commissioners, shall be used in repairing and improving the roads or streets within such city, village, incorporated town or park.

APPROVED June 11, 1909.

## SCHOOLS.

## GENERAL REVISION OF SCHOOL LAWS.

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| <p>§§ 1-4. Superintendent of Public Instruction — election — oath — bond — powers and duties.</p> <p>§§ 5-18. County superintendents—election—oath—bond — powers and duties.</p> <p>§§ 19-66. Trustees of schools—qualifications — election — organization — powers and duties. Districts — creation — division — consolidation — dissolution — change of boundaries.</p> <p>§§ 67-84. Township treasurer — qualifications — election — removal — bond — powers and duties.</p> <p>§§ 85-97. Township high schools—creation — control — joint schools — discontinuance — manual training.</p> <p>§§ 98-102. County normal schools—creation — maintenance — control — union schools.</p> <p>§§ 103-122. School directors — qualifications — election — organization — powers and duties.</p> <p>§§ 123-127. Boards of education in districts of less than 100,000 — election — powers and duties.</p> <p>§§ 128-139. Boards of education in cities exceeding 100,000 — number — appointment — qualifications—powers and duties.</p> <p>§§ 140-151. Parental schools — creation — control — instruction — commitment — discharge — parole — commitment to reformatory.</p> <p>§§ 152-165. Teachers' pension fund—creation — control — trustees — custodian—beneficiaries.</p> <p>§§ 166-175. Scholarships — registration of applicants — examinations — awards — nominations by members of General Assembly.</p> | <p>§§ 176-188. Teachers — qualifications — certificates, general and special — examinations — fees — registers — schedules — school month.</p> <p>§§ 189-194. Revenue — annual tax levy limited for school purposes — for building purposes. Duties of directors, county clerks, assessors and other officers.</p> <p>§§ 195-201. Bonds — issuance—registration — proceeds — election — refunding.</p> <p>§§ 202-206. County clerk — duties as to school affairs.</p> <p>§§ 207-209. County board — duty as to school affairs.</p> <p>§§ 210-216. School fund — how constituted. Duties of Auditor, collector, treasurer, county superintendent and others.</p> <p>§§ 217-237. School lands — definition —leasing — conveying —trespassing — sale—patent — dedication.</p> <p>§§ 238-243. Fines, forfeitures and penalties — paid to county superintendent. Duties of states attorneys — of magistrates — of clerks of courts — failure to pay or make report.</p> <p>§§ 244-264. Liability of school officers — trustees — county clerk — treasurer —director— clerk of school board—election officers and others.</p> <p>§§ 265-276. Miscellaneous provisions. Tenure of officers — costs in school, suit — qualifications of voters — arbor and bird day — printing for State Teachers' Association — alcoholic drinks and narcotics — compulsory attendance — truant officers — construction of Act.</p> <p>§§ 277-278. Repeal and emergency clauses.</p> |
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AN ACT to establish and maintain a system of free schools.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on Tuesday next after the first Monday in November, 1910, and quadrennially thereafter, there shall be elected by the qualified voters of this State a Superintendent of Public Instruction, who shall hold his office for four years from the second Monday in January next after his election.

§ 2. Before entering upon his duties he shall take and subscribe the oath of office prescribed by the Constitution, and execute a bond in the penalty of \$25,000.00, payable to the People of the State of Illinois, with securities to be approved by the Governor, conditioned upon the faithful discharge of his duties. Such bond and oath shall be deposited with the Secretary of State.

§ 3. The duties of the Superintendent of Public Instruction shall be:  
*First*—To have his office at the seat of government, and to keep a record of all matters pertaining to the business of his office.

*Second*—To file all papers, reports and public documents transmitted to him by the school officers of the several counties, for each year separately; and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as Superintendent of Public Instruction.

*Third*—To supervise all the common and public schools in the State.

*Fourth*—To counsel and confer, in such manner as he may deem best, with experienced and practical teachers as to the best manner of conducting common schools.

*Fifth*—To advise and assist county superintendents of schools, addressing to them, from time to time, circular letters relating to the best manner of conducting schools, constructing school houses, furnishing the same and examining and procuring competent teachers.

*Sixth*—To be *ex officio* a member of the board of trustees of the Southern Normal University.

*Seventh*—To make such rules and regulations as may be necessary to carry into efficient and uniform effect the provisions of this Act, and of all laws for establishing and maintaining free schools in the State.

*Eighth*—To be the legal advisor of school officers, and, when requested by any school officer, to give his opinion in writing upon any question arising under the school laws of the State.

*Ninth*—To hear and determine all controversies arising under the school laws of the State, coming to him by appeal from a county superintendent of schools.

*Tenth*—To grant certificates to such teachers as may be found qualified to receive them, and to suspend the operation of any State certificate for immorality or other unprofessional conduct.

*Eleventh*—To visit such of the charitable institutions of the State as are educational in their character, to examine their facilities for instruction, and to prescribe forms for such reports as he may desire from their superintendents.

*Twelfth*—To report to the Governor, on or before the 1st of November, preceding each regular session of the General Assembly, the condition of the schools in the several counties of the State; the number of schools which have been taught in each county in each of the preceding years, commencing on the 1st of July; the number taught by men and women respectively; the number of pupils in attendance; the number of persons in each county under 21 years of age, and the number of persons between the ages of 12 and 21 years unable to read and write; the amount of township funds; the amount of interest on the State or common school fund, and on the township fund, annually paid out; the amount raised by an *ad valorem* tax; the amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number of books purchased for the use of schools and the cost of the same; the value of apparatus purchased; the number of district libraries; together with such other information and suggestions as he may deem important in relation to the schools and school laws, and the means of promoting education throughout the State; which report shall be submitted to the General Assembly at each regular session.

§ 4. The Superintendent of Public Instruction shall have the following powers:

*First*—To designate the particular statistics relating to public schools which school officers are required to report to the county superintendent of schools.

*Second*—To authorize the county superintendent of schools to procure such assistance as may be necessary to conduct teachers' institutes.

*Third*—To require the county superintendents of schools to furnish him with such information as he may desire to include in his report to the General Assembly.

*Fourth*—To require the trustees of school [s] of each township to make, at any time, a report similar to that required of trustees of schools, on or before the 15th day of July preceding each regular session of the General Assembly.

*Fifth*—To require annual reports from the authorities of townships, cities or districts maintaining schools by authority of special charters.

*Sixth*—To remit upon the recommendation of the county superintendent of schools, or for other good and sufficient reasons, the forfeiture of the school fund by any township which may have failed to make the reports required by law.

*Seventh*—To require the Auditor of Public Accounts to withhold from the county superintendent the amount due his county from the State school fund, or the said county superintendent for his compensation, until the report provided for in section 7 of this Act shall have been furnished as therein required.

*Eighth*—To request the president, principal or other proper officer of every organized university, college, seminary, academy or other educational institution, whether incorporated or unincorporated, to submit such report as he may require in order to lay before the General Assembly a full exhibit of the affairs and conditions of such institutions and of the educational resources of the State.

*Ninth*—To require the county superintendent of schools, trustees, township treasurer, directors or other school officer, to withhold from any township, district, officer, or teacher, any part of the common school township or other school fund, until such treasurer, officer or teacher shall have made all schedules reports and returns required of him by this Act, and until such officer shall have executed and filed all official bonds and accounted for all common school, township or other school funds which have come into his hands.

#### COUNTY SUPERINTENDENT OF SCHOOLS.

§ 5. On Tuesday next after the first Monday in November, 1910, and quadrennially thereafter, there shall be elected by the qualified voters of every county in this State a county superintendent of schools, who shall enter upon the discharge of his duties on the first Monday of December after his election.

§ 6. Before entering upon his duties he shall take and subscribe the oath prescribed by the Constitution, and execute a bond payable to the People of the State of Illinois, with two or more responsible freeholders as security, to be approved by the county board or by the judge and clerk of the county court, in a penalty of not less than \$12,000.00 conditioned upon the faithful discharge of his duties. The bond shall be in the following form, to-wit:

STATE OF ILLINOIS,

} ss.

..... COUNTY.

Know all men by these presents: That we, A B, C D, and E F, are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of ..... dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this ..... day of ..... 1....

The condition of this obligation is such that if A B, county superintendent of schools of the county aforesaid, shall faithfully discharge all the duties of his office, according to law, and shall deliver to his successor in office all moneys, books, papers and property in his hands as such county superintendent of schools, then this obligation to be void, otherwise to remain in full force and virtue.

A.....	B.....	(Seal)
C.....	D.....	(Seal)
E.....	F.....	(Seal)

This bond shall be filed in the office of the county clerk, and action or actions upon it may be maintained by any corporate body interested, for the benefit of any township or fund injured by any breach of its conditions.

§ 7. On or before the fifteenth of August, annually, the county superintendent of schools shall present to the Superintendent of Public Instruction such information relating to schools in his county as the Superintendent of Public Instruction may require.

§ 8. The county superintendent shall present under oath, or affirmation, to the county board at its annual meeting in September, and as near quarterly thereafter as such board may have regular or special meetings, a report of all his acts as county superintendent, including a list of all the schools visited, with the dates of visitation.

§ 9. The county superintendent shall report, in writing, to the county board, at its regular meeting in September of each year, stating, first, the balance on hand at the time of the last report, and all receipts since that date, with the sources from which they were derived; second, the amount distributed to each of the township treasurers in his county; third, any balance on hand. At the same time he shall present for inspection his books and vouchers for all expenditures, and submit in writing a statement of the condition of the institute fund and of any other funds in his care, custody or control.

§ 10. The county superintendent shall keep three books, to be known and designated by the letters A, B and C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school lands, including the date of sale, name of purchaser, description of land sold and the selling price. In book C he shall keep a regular account of all moneys received or paid out; from whom received, on what account, showing whether it is principal or interest, the rate of interest, and a description of the real estate taken as security; if paid out, to whom, when, and on what account, and the amount of the list of sales and the account of each township fund to be kept separate.

§ 11. At the regular meeting of the county board, in each year, the county superintendent shall present; first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the salebook (book B); second, a statement of the amount of money received, paid, and in hand, belonging to each township or fund under his control, the statement of each fund to be separate; third, a statement copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated in the loan book.

§ 12. In all cases in which the trustees of schools of any township shall fail to prepare and forward, or cause to be prepared and forwarded to the county superintendent, the information required of them by this

Act, it shall be the duty of the county superintendent to employ a competent person to take the enumeration and furnish such information, as far as practicable. The person so employed shall have access to the books and papers of the township to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit such person to examine such books and papers at such times and at such places as such person may desire for the purposes aforesaid. For such services the county superintendent shall pay to the person so employed by him such amount as he may judge reasonable, out of any money which is or may come into his hands, apportioned as the share of or belonging to such township; and the county superintendent shall proceed to recover and collect the amount so allowed or paid in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the People of the State of Illinois, of and against the trustees of schools of the township in their individual capacity; and in such suit or suits the county superintendent and the township treasurer shall be competent witnesses. The money so recovered, when collected, shall be paid to the county superintendent for the benefit of the township, to replace the money taken as aforesaid.

§ 13. Whenever the bond of any township treasurer approved by the trustees of schools, as required by law, shall be delivered to the county superintendent of schools, he shall carefully examine the same, and if the instrument is found to be in all respects according to law, and the securities good and sufficient, he shall endorse his approval thereon, have it recorded in the recorder's office, and file the same with the papers of his office; but if the bond is in any respect defective, or if the penalty is insufficient, he shall return it for correction. When the bond shall have been received and filed, the superintendent shall, on demand, deliver to the township treasurer a written statement certifying that his bond has been approved and filed, and that the township treasurer is entitled to the care and custody, on demand, of all moneys, bonds, mortgages, notes and securities, and all books, papers and property of every description belonging to the township.

§ 14. Upon receipt of the amount due the county from the State school fund, the county superintendent shall apportion the same, together with other funds held for distribution, to the townships and parts of townships in his county in which schools have been maintained as provided by law, according to the number of persons under 21 years of age returned to him, and shall pay the distributive share belonging to each township and fractional township to the respective township treasurers, or other authorized persons, annually: *Provided, however,* that no part of the State or other school fund shall be paid to any township treasurer, or other person authorized to receive it, unless such treasurer shall have filed his bond, or, if re-elected, shall have renewed his bond and filed the same as required by law.

§ 15. It shall further be the duty of each county superintendent of schools:

*First*—To execute upon notice by the county board, a new bond, conditioned and approved as the first bond.

*Second*—To sell township fund lands, issue certificates of purchase, report to the county board and Auditor of Public Accounts, and perform all other duties pertaining thereto.

*Third*—To register the names of all applicants for Normal school, and University scholarships; to hold, or cause to be held, examinations for the same, and to perform such other duties as pertain thereto.

*Fourth*—To visit each public school in the county at least once a year, noting the methods of instruction, the branches taught, the text-books used, and the discipline, government and general condition of the schools; in the performance of which duty he shall spend at least half his time, and more if practicable, in visiting ungraded schools.

*Fifth*—To give teachers and school officers such directions in the science, art and methods of teaching, and in regard to courses of study, as he may deem expedient.

*Sixth*—To act as the official adviser and constant assistant of the school officers and teachers of his county. In the performance of this duty he shall faithfully carry out the advice of the Superintendent of Public Instruction.

*Seventh*—To conduct a teachers' institute, to aid and encourage the formation of other teachers' meetings, and to assist in their management.

*Eighth*—To labor in every practicable way to elevate the standard of teaching, and improve the condition of the common schools of his county.

*Ninth*—To examine at least once each year all books, accounts and vouchers of every township treasurer in his county, and, if he finds any irregularities in them, to report the same at once in writing to the trustees, whose duty it shall be to take immediately such action as the case demands.

*Tenth*—To examine all notes, bonds, mortgages, and other evidences of indebtedness which the township treasurer holds officially, and if he finds that the papers are not in proper form, or that the securities are insufficient, he shall so state in writing to the board of trustees.

*Eleventh*—To give notice of the election of trustees in such cases as are specified in section 24 of this Act.

*Twelfth*—To give notice of any regular or special election as required by section 107 of this Act.

*Thirteenth*—To investigate and determine all matters pertaining to changes in the boundaries of school districts which may come to him by appeal from the decision of the trustees of schools, and to inform the township treasurer from whom the papers relating to the matter were received of his decision.

*Fourteenth*—To file and keep all the poll books and returns of elections required to be returned to him and the reports and statements returned by township treasurers and trustees of schools.

*Fifteenth*—To hold meetings, at least quarterly, for the examination of teachers.

*Sixteenth*—To grant certificates of qualification to teach to such persons as may be qualified to receive them, and to keep a record of all teachers to whom certificates have been granted, and of all teachers employed in his county.

*Seventeenth*—To notify the presidents of boards of trustees and the clerks of school districts, on or before September thirtieth, annually, of the amount of money distributed by him to the township treasurer, with the date of distribution.

*Eighteenth*—To keep in his office a map of his county on a scale of not less than two inches to the mile, and to indicate thereon the boundary lines and numbers of all school districts. Districts shall be numbered consecutively. In case of the formation of a new district composed of parts of two or more counties the county superintendents of such counties shall agree upon a number by which such district shall be designated, which number shall not be a duplicate of any number in either of such counties.

*Nineteenth*—To furnish the township treasurers a list of the districts in their respective townships with the consecutive numbers of the same.

§ 16. The county superintendent shall have power:

*First*—To require the trustees of each township in his county to make, at any time he may desire, the report provided for in section 36 of this Act.

*Second*—To recommend to the Superintendent of Public Instruction the remission of the penalty provided for a failure of the trustees of schools to make the report required by law.

*Third*—To renew teachers' certificates at their expiration by his endorsement thereon.

*Fourth*—To revoke the certificate of any teacher for immorality, incompetency or other just cause.

*Fifth*—To direct in what manner township treasurers shall keep their books and accounts.

*Sixth*—To bring suit against the county collector for failure to pay the amount due upon Auditor's warrant.

*Seventh*—To remove any school director from office for wilful failure to perform his official duties.

*Eighth*—To employ, with the approval of the county board, such assistant or assistants as he needs for the full discharge of his duties. Such assistants shall be persons of good attainments, versed in the principles and methods of education, familiar with public school work, and competent to visit schools.

*Ninth*—To demand of the trustees of schools certified copies of maps and records of school districts as organized. In case of discrepancies or defects in defining the boundaries of school districts the county superintendent, or in case of a district lying in two or more counties, the county superintendents of such counties acting jointly, shall be authorized to define such boundaries in conformity with what may appear to have been the intention of the trustees of schools when such boundaries were established.

§ 17. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken upon a written statement of facts certified by the county superintendent to the Superintendent of Public Instruction.

§ 18. The county superintendent, upon his removal or resignation, or at the expiration of his term of office, or in case of his death his representatives, shall deliver to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office or subject to the control or disposition of the county superintendent.

#### TRUSTEES OF SCHOOLS.

§ 19. Each congressional township is hereby established a township for school purposes. When a fractional congressional township contains fewer than two hundred persons under 21 years of age, the trustees of schools, upon petition of a majority of the adult inhabitants of such fractional township, may, by written agreement with the trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township. Such territory, school funds and other property, shall thereafter be managed by the trustees of such adjacent and consolidated township in accordance with the terms of such agreement, in the manner provided by law. The agreement shall be signed by a majority of the trustees of each township, and filed for record in the office of the county clerk of the county in which such consolidated township, or the greater part thereof, is situated.

§ 20. The school business of the township shall be transacted by three trustees, to be elected by the qualified voters of the township, as hereinafter provided. Such trustees shall be a body politic and corporate, by the name of "trustees of schools of township No....., range No.....," according to the number. Such corporation shall have perpetual existence, with power to sue and be sued, and to plead and be impleaded, in all courts and places where judicial proceedings are had.

§ 21. No person shall be eligible to the office of trustee of schools who is not a resident of the township, and at least twenty-one years of age. In case there are three or more school districts in a township, no two trustees shall reside, when elected, in the same school district, nor shall a person be eligible to the office of trustee of schools and school director at the same time.

§ 22. The election of trustees of schools shall be held, in townships whose boundaries do not coincide with those of towns, on the second Saturday of April, annually. In townships whose boundaries do coincide with those of towns as established under the township organization laws, the trustee or trustees shall be elected at the same time and in the same manner as town officers. In townships in which no election for school trustees has heretofore been held, or in townships in which from



any cause there are no trustees of schools, or in case of a vacancy or vacancies, the election of trustee or trustees of schools may be held on any Saturday.

§ 23. Notice of the election of trustees shall be given by the township treasurer, upon the order of the trustees of schools, or, in case of a first election, by the county clerk, by posting notices at least ten days previous to the time of such election in not less than five of the most public places in the township, which notices shall specify the time, place and object of the election, and may be in the following form, to-wit:

#### NOTICE OF ELECTION.

Notice is hereby given that on Saturday, the ..... day of April, 1.... an election will be held at.....for the purpose of electing.....school trustee.....for township No..... Range No..... The polls will be opened at.....o'clock,...m., and closed at.....o'clock...m.

By order of the trustees of schools.

.....  
*Township Treasurer.*

§ 24. If the township treasurer shall fail or refuse to give notice of the regular election of trustees, as required by the foregoing section, and if in case of a vacancy the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, it shall be the duty of the county superintendent to order such election.

§ 25. If, upon the day appointed for the election of trustees of schools, the trustees or judges shall be of the opinion that, on account of the small attendance of voters, the public good requires it, or if a majority of the voters present shall desire it, they shall postpone the election until the next Saturday, at the same place and hour, at which time and meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *Provided, however,* that if notice shall not have been given of such election, as required by section 23 of this Act, the election may be ordered and held on any Saturday, notice thereof being given.

§ 26. The time and manner of opening, conducting and closing the election, and the several liabilities appertaining to the judges, clerks and voters, separately and collectively, and the manner of contesting the election, shall be the same as prescribed by the general election laws of this State defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this Act.

§ 27. The trustees of schools shall act as judges and choose a clerk of the election. If the trustees, or any of them, shall fail to attend, or refuse to act when present, or if from any cause there are no trustees of schools, or not a sufficient number to act as judges, the qualified voters present shall choose from among themselves the number of judges required to open and conduct the election.

§ 28. In townships in which for general elections there are more than two polling places, the trustees shall give notice that polls will be

opened for such elections in at least two places; in which case at least one of the trustees shall be assigned to each place, so far as practicable, and additional judges shall be chosen by the qualified voters present: *Provided, however*, that there shall be at least one polling place for each 800 voters in the township.

§ 29. The judges shall return the ballots and original poll books, with a certificate thereon showing the result of election in such precinct, to the treasurer of the township in which the election shall be held, whereupon it shall be the duty of the trustees of schools, within five days after the election, to meet and canvass the returns from each precinct, to make out a certificate showing the number of votes cast for each person in each precinct, and in the whole township, and to file the certificate with the county superintendent of schools.

§ 30. Upon the election of trustees of schools, the judges of the election shall, within ten days thereafter, cause a copy of the poll book of the election to be delivered to the county superintendent of schools, with a certificate thereon showing the election of trustees and the names of the persons elected; which copy, with the certificate, shall be filed by the county superintendent and shall be evidence of such election.

§ 31. At the first election of trustees in a newly organized township, the trustees shall, at their first meeting, cast lots for their respective terms of office for one, two and three years; and thereafter one trustee shall be elected annually, at the usual time for electing a trustee of schools, to fill the vacancy occurring. In case of a tie vote, the election shall be determined by lot, on the day of the election, by the judges.

§ 32. At the first regular election of trustees after the passage of this Act, a successor to the trustee whose term of office then expires shall be elected, and thereafter one trustee shall be elected annually. Such trustees shall continue in office three years.

§ 33. Within ten days after the annual election, the trustees of schools shall organize by appointing one of their number president, who shall hold his office for one year. It shall be the duty of the president to preside at all meetings of the board and to sign the proceedings thereof when recorded. If the president be absent from any meeting, or refuse to perform any of the duties of his office, a president *pro tempore* may be appointed. The president may be removed by the trustees of schools for good and sufficient cause.

§ 34. It shall be the duty of the trustees of schools to hold regular semi-annual meetings on the first Mondays of April and October. Special meetings may be called at any time by the president or by two members. Two members shall constitute a quorum for the transaction of business.

§ 35. At the regular semi-annual meetings on the first Mondays of April and October, the trustees shall ascertain the amount of funds subject to distribution, and shall appropriate and distribute the same as required by this section, and not otherwise. All valid claims shall be paid before distribution, in manner following: First, the compensation of the treasurer; second, the cost of publishing the annual statement;

third, the cost of a record book, if any; fourth, the cost of dividing school lands and making plats. The balance shall be apportioned and distributed to the districts and parts of districts in the township, in which schools have been kept as required by law during the preceding year ending June 30th, according to the number of persons returned under 21 years of age. The funds so distributed shall be credited to the respective districts and parts of districts.

§ 36. The trustees of schools of each township in this State shall prepare, or cause to be prepared, by the township treasurer, the directors of the several districts, or other person, and forward to the county superintendent of the county in which the township lies, on or before the 15th day of July, annually, and at such other times as may be required by the county superintendent of schools, or by the Superintendent of Public Instruction, a statement exhibiting the condition of the schools in their respective townships for the preceding year, commencing on July 1st and ending June 30th, which statement shall be in the form, and shall contain the information required by the Superintendent of Public Instruction. Any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the distributive fund for the next ensuing year.

§ 37. In case a township is divided by a county line or lines, the trustees of schools of such township shall make or cause to be made separate enumerations of all statistics and other information required by the Superintendent of Public Instruction, and report the same separately to the several county superintendents; and all parts of such statistical information which cannot practicably be reported separately shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper the trustees of schools shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order for their security, preservation, collection, correction of errors, if any, and for their proper disposition, as may be necessary.

§ 39. The trustees of schools may receive any gift, grant, donation or devise made for the use of any school or library, or for any other school purpose within their jurisdiction. They shall be and are hereby invested in their corporate capacity with the title of all school buildings and school sites. All conveyances of real estate made to the trustees of schools, shall be made to them in their corporate name, and to their successors in office.

§ 40. When a school site or building has become unnecessary or unsuitable or inconvenient for a school, the trustees of schools, on petition of a majority of the voters of the district, shall sell and convey the same, after giving at least twenty days' notice of such sale by posting written or printed notices thereof describing the property and the terms of sale, which may be in the following form, to-wit:

## NOTICE OF SALE.

Notice is hereby given that on the.....day of.....1.. the trustees of schools of township No..... range No..... will sell at public sale, on the premises hereinafter described, between 10:00 o'clock a. m. and 3:00 o'clock, p. m., the school house situated on the school house site known as (here describe the site by its number, commonly known name, or other definite description) and located in the (here describe its place in the section), which sale will be made on the following terms, to-wit: (Here insert as "one-third of the purchase money cash in hand, and the balance in two equal payments, due in one and two years from day of sale, with interest at the rate of.....per cent per annum from date").

A.....B.....  
C.....D.....  
E.....F.....

*Trustees.*

The deed of conveyance shall be executed by the president and clerk, and the proceeds paid to the township treasurer for the benefit of the district.

§ 41. The trustees of schools shall cause all moneys for the use of the township and the districts to be paid to the township treasurer.

§ 42. The trustees of schools shall have power to purchase real estate in satisfaction of any judgment or decree in any action wherein the trustees or the county superintendent of schools are parties, if in their opinion the interests of the township fund will be promoted thereby.

§ 43. The trustees of schools shall have power to make all settlements with persons indebted to them in their official capacity; to receive deeds to real estate in compromise; and to cancel notes, bonds, mortgages, judgments and decrees for the benefit of the township; and their action in the premises shall be valid and binding.

§ 44. The trustees of schools shall have power to lease or sell any lands that may come into their possession in the manner described in either of the two preceding sections. The sale shall be made in the manner provided for the sale of the sixteenth section.

§ 45. The trustees of schools in newly organized townships shall divide the township into school districts, to suit the wishes or convenience of a majority of the inhabitants of the township, and shall prepare or cause to be prepared a map of the township, on which the district or districts shall be designated by their respective numbers.

§ 46. When such division into districts has been made, the trustees of schools may, in their discretion, at the regular meeting in April, change the boundaries of districts situated wholly within the township, so as:

*First*—To divide a district into two or more districts when petitioned by a majority of the legal voters of the district.

*Second*—To consolidate two or more districts into one district, when petitioned by a majority of the legal voters of each district.

*Third*—To detach territory from one district and add the same to an adjacent district, when petitioned by a majority of the legal voters of each district; or, when petitioned by two-thirds of the legal voters residing within the territory described in the petition, asking that such territory be detached from one district and added to an adjacent district.

*Fourth*—To create a new district from territory belonging to two or more districts, when petitioned by a majority of the legal voters of each district; or, when petitioned by two-thirds of the legal voters residing within the territory described in the petition, containing not fewer than ten families, asking that such territory be created into a new district.

*Fifth*—To create a new district by dividing the territory of an existing district, when petitioned by two-thirds of the legal voters residing within the territory described in the petition, containing no fewer than ten families, asking that such territory be created into a new district.

§ 47. Changes in the boundaries of districts which lie in separate townships, and of districts formed of parts of two or more townships, may be made at the regular meeting of trustees in April, by the concurrent action of the several boards of trustees in which the district or districts lie, each board being petitioned as provided in the preceding section of this Act.

§ 48. In school districts, whether operating under this Act or under a special charter, the request for a change of boundary may be submitted to the trustees by vote of the people, instead of by petition. The school directors, when petitioned so to do by twenty-five legal voters of the district, shall submit the question of the change desired to the voters of the district, at a special election called for that purpose, and held at least thirty days prior to the regular April meeting of trustees. If a majority of the votes cast at such election shall be in favor of the change proposed, then, due return of the election having been made to the township treasurer, the trustees of schools shall consider and take action the same as if petitioned therefor by a majority of the legal voters of such district. Such question shall not be so submitted more than once in any year.

§ 49. A majority of the legal voters of a district lying in two or more townships may secure the dissolution of the district by petitioning the trustees of schools of the several townships, at their regular meeting in April, to add the territory belonging to the district in their township to one or more adjacent districts. Upon receipt of such petition, or the returns of the election, in districts containing one thousand or more inhabitants, the trustees of schools of the several townships shall make such disposition of the territory of the district that lies in their township, and they shall jointly make such division of the property of the district between or among the districts to which its territory is attached, as provided in the case of the organization of a new district from a part of another district.

§ 50. If any school district shall, for two consecutive years, fail to maintain a public school as required by law, it shall be the duty of the

trustees of schools of the township. or townships, in which such district lies, to attach the territory of such district to one or more adjoining districts; and in case the territory is added to two or more districts, to divide the property of the district among the districts to which its territory is added, in the manner provided for the division of property in case of the organization of a new district from a part of another district.

§ 51. Any city, township or district in which schools are now managed under any special Act, may, by vote of its electors, cease to control its schools under such special Act, and become part of the school township or townships in which it is situated. Upon petition of 50 voters of such city, township or district, presented to the board having the control and management of the public schools, it shall be the duty of such board to cause to be submitted to the voters at the next ensuing election to be held in such city, township or district, the question of "organizing under the general school law." Notice shall be given by posting notices in the five most public places in such city, township or district, at least 15 days before the date of holding such election, which notices shall be in the following form, to-wit:

#### NOTICE OF ELECTION.

Notice is hereby given, that on the.....day of.....1..  
an election will be held at.....for the purpose of deciding the question of organizing under the general school law. The polls will be opened at.....o'clock ...m., and closed at.....o'clock ...m.

(Signed) .....

If it shall appear upon a canvass of the returns that a majority of the votes cast at such election are in favor of organizing under the general school law, then the board having the control and management of schools in such city, township or district, shall give notice of an election to be held on any Saturday thereafter according to the provisions of this Act, for the purpose of electing a board of directors or board of education, as the case may require, but all subsequent elections shall be held on the third Saturday of April annually.

§ 52. No petition shall be acted upon by the trustees of schools unless such petition shall have been filed with the clerk at least twenty days before the regular meeting in April, nor unless a copy of the petition, with a notice in writing signed by one or more of the petitioners, shall be delivered by the petitioners, or one of them, at least ten days before the day on which the petition is to be considered, to the president or clerk of the school directors of each district whose boundaries will be changed if the petition is granted. Such notice may be in the following form, to-wit:

## NOTICE OF PETITION.

The directors in district No..... in.....county, will take notice that the undersigned and others have made and filed with the trustees of schools their petition, a copy of which is herewith handed to you.

(Signed).....

§ 53. When a petition shall come before the trustees of schools asking for a change in the boundaries of districts, it shall be the duty of the trustees to ascertain whether the foregoing provisions have been strictly complied with. If it shall appear that they, or either of them, have not been complied with, the board shall adjourn for not longer than four weeks, in order that the foregoing provisions may be complied with. There shall be but one adjournment for such purpose.

§ 54. If it shall appear on the day of the regular meeting, or in case of adjournment at the adjourned meeting, that such provisions have been complied with, the trustees shall consider the petition, hear any legal voters of the district or districts affected by the proposed change who may appear to oppose the petition, and shall grant or refuse the prayer of the petitioners without unreasonable delay. After the trustees of schools have considered the petition, no objection shall be raised as to its form, and their action shall be *prima facie* evidence that all requirements have been complied with.

§ 55. The petitioners, or the legal voters who appear to oppose the change of boundaries, shall have the right of appeal to the county superintendent of schools. The appellant shall file with the clerk of the trustees a written notice of appeal within ten days after final action by the trustees, which notice may be in the following form, to-wit:

## NOTICE OF APPEAL.

To the trustees of schools of township No.....range No.....of .....county, Illinois:

You are hereby notified that the undersigned will appeal from your decision made on the..... day of.....1.... granting (or refusing) the prayer of the petition in regard to (here give substance of the petition concerned) to the county superintendent of schools of.....county, Illinois, as provided by law.

(Signed).....

§ 56. When an appeal is so taken the clerk shall transmit, within five days after the notice of appeal has been filed, all papers in the case, with a transcript of the records of the trustees showing their action thereon, to the county superintendent of schools. The clerk shall take no further action in the matter, except upon the order of the county superintendent, who shall investigate the case, make such change or changes, or refuse to make them, reversing if need be the action of the trustees, and give the clerk immediate notice of his decision; and his action shall be final and binding. If the changes asked by the petitioners be made by the county superintendent, he shall notify, in writing, the

clerk by whom the papers in the case were transmitted to him, of his action, and the clerk shall thereupon make a record of the same, and shall, within ten days thereafter, make a copy of the same, and a map of the township showing the districts, and an accurate list of the taxpayers of the newly arranged districts, and deliver them to the county clerk for filing and record by him, the same as if the changes had been ordered by the trustees.

§ 57. In all cases in which the district affected by a proposed change of boundaries is divided by a county line or lines, the appeal may be taken to the county superintendent of schools of any one of the counties in which the district is partly located; and upon appeal being taken in any such case, the county superintendent of schools to whom such appeal is taken, shall forthwith give notice to the county superintendent or superintendents of schools of the other county or counties of the pendency of such appeal, and of the time and place when and where it shall be heard; and the county superintendents of schools of the counties in which the district is located shall meet at such time and place, and together hear and determine the appeal. In case the county superintendents shall be unable to arrive at an agreement, the county judge of the county in which such appeal is pending shall become a member of the board of appeal, by which the appeal shall thereupon be heard and determined. The county superintendent of schools to whom such appeal is taken shall at once notify, in writing, the clerk by whom the papers in the case were transmitted to him, of the action taken on such appeal, as hereinafter provided.

§ 58. When a change in boundaries is made by the trustees of schools, and no appeal is taken, the clerk shall make and file with the county clerk for record, within twenty days of the action of the trustees, a copy of the record of such action, certified by the president and the clerk, together with a map of the township showing the districts, and a list of the tax payers of the newly organized districts.

§ 59. In case any territory shall be set off from a district that has a bonded debt, the change not being petitioned for by a majority of the legal voters of the district, such original district shall remain liable for the payment of such bonded debt, as if not divided. The directors of the original district, and the directors of the district into which the territory taken from such original district has been incorporated, shall constitute a joint board for the purpose of determining and certifying, and they shall determine and certify, to the county clerk the amount of tax required yearly for the purpose of paying the interest and principal of such bonded debt, which tax shall be extended by the county clerk against all property embraced within the original district as if it had not been divided.

§ 60. When the trustees of schools shall organize a new district, it shall be the duty of the clerk of the trustees of schools, if no appeal is taken, to order, within 15 days after the action of the trustees, an election, to be held at a convenient time and place within the boundaries of such newly organized district, for three school directors, notice being



given by the township treasurer, who shall post notices of such election in at least three prominent places in the district, at least ten days prior to the time appointed for holding such election, which notices shall specify the place where such election is to be held, the time for opening and closing the polls, and the object of the election, and may be in the following form, to-wit:

## NOTICE OF ELECTION.

Notice is hereby given that on the.....day of.....  
 1..... an election will be held at.....for the purpose of electing three school directors for the new district known as district No..... in.....county, Illinois.

The polls will be opened at .....o'clock ....m., and closed at....o'clock ....m.

By order of the trustees of schools.

(Signed).....

*Township Treasurer.*

§ 61. At the time appointed for opening the polls for such election, the qualified voters present, five of whom shall constitute a quorum, shall appoint two of their number to act as judges and one as clerk. The election, in all other respects, shall be conducted as other elections of school directors.

§ 62. Within ten days after the election the directors shall meet at a convenient time and place previously agreed upon by them, and organize by appointing one of their number president and another of their number clerk. At this meeting of the directors they shall cast lots for their terms of office for one, two and three years, respectively.

§ 63. In case a new district is organized by the action of the county superintendent, the clerk of the trustees of schools shall, within five days after he has received notice of the action of the county superintendent on the appeal, order an election of directors in the new district the same as if the change had been made by the trustees, and such election shall be held in the same manner as the election provided for when the trustees have formed a new district.

§ 64. When a new district has been formed by the trustees, or by the county superintendent or county superintendents, from a part of a district or parts of two or more districts, the trustees of the township or townships concerned shall make forthwith a distribution of tax funds, or other funds in the hands of the treasurer, or to which the district may at the time of such division be entitled, so that the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected next preceding such division from the taxable property in the territory composing the several districts. If the new districts be composed of parts of two or more districts, the trustees shall make distribution of such funds between the new district and the old districts respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property in the territory of the new

district bears to the whole taxes collected next before the division in the old district; and the township treasurer shall forthwith place the sum so distributed to the credit of the respective districts, and shall immediately place the proportion of the funds to which the new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand, as soon as collected.

§ 65. When a new district is created or within thirty days thereafter, the trustees of the township or townships concerned shall appoint three appraisers, who shall not be residents of the township or townships interested. It shall be the duty of such appraisers, within thirty days after their appointment, to appraise the school property, real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisalment, the trustees of the township or townships concerned shall charge the property to the district in which it may be found, and credit the other districts interested with its proportion of such valuation: *Provided, however,* that the *bona fide* debts of the old district shall first be deducted and the balance charged and credited as aforesaid; and the trustees shall direct the treasurer to place to the credit of the district not retaining such property, its proportion of the value thereof, and of the funds then on hand, or subsequently to accrue, belonging to the district to which such property is charged.

§ 66. The trustees of schools, elected as provided by this Act, shall be the successors to the trustees of schools elected in townships under the provisions of "An Act to establish and maintain a system of free schools," approved May 21, 1889. All rights of property, and rights and causes of action existing or vested in the trustees of schools elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools elected under this Act, as successors, in as complete a manner as was vested in the trustees of schools elected as aforesaid.

#### TOWNSHIP TREASURER.

§ 67. Within ten days after the annual election of trustees of schools in 1910, and biennially thereafter, the trustees of schools shall elect a treasurer who shall be *ex officio* clerk of the board, and shall hold his office for two years. The treasurer shall be a resident of the township, but not a trustee or director. It shall be his duty to attend all meetings and keep a record of the official proceedings of the trustees of schools. Such record shall be open to the inspection of any person interested. All proceedings, when recorded, shall be signed by the president and the clerk. If the clerk shall be absent, or refuse to perform any of the duties of his office, a clerk *pro tempore* may be appointed. For good and sufficient cause the treasurer may be removed from office by the trustees of schools. In case of a vacancy the trustees of schools shall elect a treasurer for the unexpired term.

§ 68. Before entering upon his duties, the township treasurer shall execute a bond with two or more free holders who shall not be trustees

as securities, payable to the trustees of schools and conditioned upon the faithful discharge of his duties. The penalty of such bond shall be at least twice the amount of all bonds, notes, mortgages, moneys and effects of which he is to have the custody, and shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever in the judgment of the trustees or county superintendent the security is insufficient. Such bond shall be approved by at least a majority of the trustees, be delivered by one of them to the county superintendent of schools, and shall be in the following form, to-wit:

STATE OF ILLINOIS,        )  
  } ss.  
..... COUNTY.        )

*Know all men by these presents:* That we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the board of trustees of township.....range..... in said county, in the penal sum of.....dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this..... day of.....1.... The condition of this obligation is such that if A B, treasurer of township.....range..... in the county aforesaid, shall faithfully discharge the duties of his office, according to law, and shall deliver to his successor in office, after such successor shall have qualified by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of his bond up to the time that his successor shall have qualified as township treasurer, by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

A.....B.....(Seal)  
C.....D.....(Seal)  
E.....F.....(Seal)

Approved and accepted by:

G. H.,  
I. J.,  
K. L.,

*Trustees.*

§ 69. The township treasurer shall receive in full, for his services, a compensation to be fixed, prior to his election, by the trustees of schools.

§ 70. The township treasurer shall be provided by the trustees of schools with a cash book, a loan book, a district account book and a journal. In the cash book he shall enter in separate accounts all moneys received and moneys paid out, with the amount, date, from whom, to whom and on what account received or paid out, or if loaned, the date, to whom, and the amount. Moneys received shall be charged to debit

account, and moneys paid out shall be credited as follows: First, to the principal of the township fund; second, to the interest of the township fund; third, to the common school fund and other funds; fourth, to the taxes received from the county or town collector, and for what districts received; fifth, donations; sixth, moneys coming from all other sources; in all cases entering the date when received, and when paid out.

In the loan book he shall enter a record of all school funds loaned, with the amount, to whom, date, time, when due, and the rate of interest, the interest paid, and a description of the securities.

In the district account book he shall post from the cash book all receipts and expenditures on account of any district, with the amount, date, from or to whom, and from what sources and for what purposes.

In the journal he shall record at length the acts and proceedings of the trustees of schools, their orders, by-laws and resolutions.

The township treasurer shall arrange and keep his accounts in such manner as may be directed by the Superintendent of Public Instruction, the county superintendent of schools or the trustees of schools; and they shall be subject at all times to the inspection of the trustees, the directors or other persons authorized by this Act or of any committee appointed by the voters of the township at the annual election of trustees to examine the same.

§ 71. The township treasurer shall be the only lawful depository and custodian of all township and district school funds, and shall demand, receipt for and safely keep, according to law, all bonds, mortgages, notes, moneys, effects, books and papers of every description belonging to his township.

§ 72. The township treasurer shall keep the principal of the township fund loaned at interest. The rate of interest, which shall not be less than four per cent, nor more than seven per cent, per annum, payable annually, shall be determined by a majority of the trustees of schools at any regular or special meeting. No loan shall be made for less than one year nor more than five years. All loans shall be secured by mortgage or unincumbered realty situated in this State, worth at least fifty per cent more than the amount loaned, with a condition that in case additional security shall be required at any time it shall be given to the satisfaction of the trustees of schools. In estimating the value of realty mortgaged to secure the payment of money loaned, the value of improvements liable to be destroyed may be included; but in such case the improvements shall be insured for their insurable value in a responsible insurance company or companies, and the policy or policies shall be transferred to the trustees of schools as additional security, and shall be kept so insured until the loan is paid. Nothing herein shall prevent the township treasurer from investing the principal of the township fund in bonds issued by the State, the Sanitary District of Chicago, counties, townships and cities in this State, and bonds issued by school directors pursuant to section 195 of this Act. When school funds are held by the treasurer of a district created by any special Act, such funds shall be invested according to the provisions of this section.

§ 73. Mortgages to secure the payment of money loaned under the provisions of this Act may be in the following form, to-wit:

I, A B, of the county of.....State of.....do hereby grant, convey and transfer to the trustees of schools of township No.... range No..... in the county of.....and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises), which real estate I declare to be in mortgage for the payment of.....dollars loaned to me and for the payment of all interest that may accrue thereon, to be computed at the rate of.....per cent per annum until paid. And I do hereby covenant to pay the above sum of money in.....years from the date hereof, and to pay the interest on the same annually, at the rate aforesaid. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance, and that I will pay all taxes and assessments which may be levied on said estate, and that I will give any additional security that may at any time be required in writing by the board of trustees; and if said estate be sold to pay said debt or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. And it is further agreed by and between the parties, in case a bill is filed in any court to foreclose this mortgage for non-payment of either principal or interest, that the mortgagor will pay a reasonable solicitor's fee, and the same shall be included in the decree and be taxed as costs; and we, A B, and C, wife of A B, hereby release all right to the said premises which we may have by virtue of any homestead laws of this State, and in consideration of the premises, C, wife of A B, doth hereby release to said board all her right and title of dower in the aforegranted premises for the purpose aforesaid.

In testimony whereof, we have hereunto set our hands and seals this .....day of.....1....

A.....B.....(Seal)

C.....D.....(Seal)

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate; the mortgagor paying the expense of acknowledgment and recording.

§ 74. If default be made in the interest due upon money loaned by any township treasurer, or in the payment of the principal, interest at the rate of twelve per cent per annum shall be charged upon the principal and interest from the day of default, which interest shall be included in the assessment of damages, or in the judgment in the suit or action brought upon the obligation to enforce payment thereof, and interest at the rate of twelve per cent per annum may be recovered in an action brought to recover interest only. The township treasurer is hereby empowered to bring appropriate actions in the name of the trustees for the recovery of the interest, when due and unpaid, without suing for the principal, in whatever form secured.

§ 75. In all cases in which the trustees of schools shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the principal and accrued interest to the date of judgment. Proof shall be made of such requisition.

§ 76. Bonds, mortgages, notes and other securities taken for money or other property due, or to become due, to the trustees of schools for the township, shall be made payable to them in their corporate name; and in such name, suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, breach of contracts and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of such corporation.

§ 77. On or before the 30th day of June, annually, the township treasurer shall deliver to the county superintendent of schools, a statement, verified by his affidavit, showing the exact condition of the township funds. Such statement shall contain a description of all bonds, mortgages, notes and other securities, held as principal of the township fund, giving names, dates, amounts, rates of interest, when due, and other data necessary to a full understanding of the condition of the funds.

§ 78. On the first Mondays in April and October of each year, the township treasurer shall submit to the trustees of schools a statement showing the amounts of interest, rents, issues and profits on township lands and funds, that have accrued since their last regular meeting, and also the amount of distributive funds on hand. He shall submit also to the trustees for their examination all books, mortgages, bonds, notes and other evidences of indebtedness held by him as treasurer of the township, and shall make such other statements touching the duties of his office as the trustees may require.

§ 79. The township treasurer shall present to the trustees of schools at their meeting following the annual election, a complete exhibit of the fiscal affairs of the township, and of the several districts or parts of districts in the township, showing the receipts of money, the sources from which they have been derived, the deficit and delinquencies, if there be any, and the cause of them, and also a classified statement of moneys paid out, and the amount of obligations remaining unpaid.

§ 80. The township treasurer shall, within two days after the first Monday of April, and on July 15, annually, prepare for each district or part of district in the township a statement or exhibit of the exact condition of the account of such district or part of district, as shown by his books on April 1 and June 30 of each year. Such statement or exhibit shall show the balance on hand at the time of making the last exhibit, the amount since received, when and from what sources; and also the amount paid out during that time, to whom paid, and for what purpose, and the statement shall be balanced, and the balance shown. It shall be the duty of the treasurer to comply with any lawful demand the

trustees may make as to the verification of any balance reported by the treasurer to be on hand. The exhibit shall be subscribed and sworn to by the treasurer before any officer authorized to administer an oath, and shall be without delay, delivered or transmitted by mail to the clerk of the proper district.

§ 81. The township treasurer shall pay out no funds of any school district except upon an order of the board of directors, signed by the president and clerk, or by a majority of the board. When an order issued for the wages of a teacher is presented to the treasurer and is not paid for want of funds, the treasurer shall endorse it over his signature, "not paid for want of funds," with the date of presentation, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the legal rate until paid, or until the treasurer shall notify the clerk in writing that he has funds to pay such order, and the treasurer shall make and keep a record of such notices, and hold the funds necessary to pay such order until it is presented. Such order shall draw no interest after notice is given to the clerk.

§ 82. It shall also be the duty of the township treasurer:

*First*—To return to the county clerk, on or before the second Monday of August in each year, the certificate of tax levy made by each board of school directors in his township.

*Second*—To pay all lawful orders issued by the directors of any district in his township.

*Third*—To collect from the township and county collectors the full amount of taxes levied by the directors in his township.

*Fourth*—To examine the official records of each district in the township on the first Mondays in April and October of each year.

*Fifth*—To keep a correct account between districts when pupils are transferred from one district to another.

*Sixth*—To give notice of the election of trustees, and in case of the formation of a new school district, of the election of school directors.

*Seventh*—To give notice of any regular or special district election when the directors fail or refuse to do so.

*Eighth*—To publish in some newspaper of his county an annual statement of the finances of the township.

*Ninth*—To file all poll-books and returns of election delivered to him under the provisions of this Act.

§ 83. When a district is composed of parts of two or more townships, any treasurer not authorized to receive the taxes of such district shall notify the directors of the amount of funds held by him to the credit of such district, and the directors shall thereupon give the proper treasurer an order for such funds.

§ 84. The township treasurer, at the expiration of his term of office, or upon his removal or resignation, or in case of his death his representatives shall deliver to his successor all moneys, books, mortgages, notes and securities, and all papers and documents of every description in which the corporation has any lawful interest.

## TOWNSHIP HIGH SCHOOLS.

§ 85. Upon petition of fifty or more legal voters of any school township, filed with the treasurer at least fifteen days preceding the regular election of trustees, it shall be the duty of the treasurer to give notice of an election to be held at the next regular election of trustees for the purpose of voting "for" or "against" the proposition to establish a township high school. Notices of such election shall be posted in at least ten of the most public places throughout the township, for at least ten days before the day of such regular election, and may be in the following form:

## NOTICE OF ELECTION.

Notice is hereby given that on Saturday, the.....day of April, 1... an election will be held at.....for the purpose of voting "for" or "against" the proposition to establish a township high school for the benefit of township number..... range number..... The polls will be opened at .....o'clock...m. and closed at.....o'clock...m.

A.....B.....  
*Township Treasurer.*

The ballots of such election shall be canvassed as in other elections, and may have thereon the name of the person or persons whom the voter desires for trustee or trustees of schools.

§ 86. If a majority of the votes cast shall be in favor of establishing a township high school, it shall be the duty of the trustees of schools to call a special election on any Saturday within sixty days, for the purpose of electing a township high school board of education, to consist of five members, notice of which election shall be given for the same time and in the same manner as provided in the election of trustees of schools. The members elected shall determine by lot, at their first meeting, the length of term each is to serve. Two of the members shall serve for one year, two for two years, and one for three years from the second Saturday of April next preceding their election. At the expiration of the term of office of any member or members, a successor or successors shall be elected, each of whom shall serve for three years, which subsequent election shall be held on the same day and in the same manner as the election of trustees of schools. In case of a vacancy, the board shall call an election without delay, to be held on any Saturday. Within ten days after their election the members of the township high school board of education shall meet and organize by electing one of their number president, and by electing a secretary. It shall be the duty of such high school board of education to establish, at some central point most convenient to a majority of the pupils of the township, a high school for the education of the more advanced pupils.

§ 87. Two or more adjoining townships, or two or more adjoining school districts, whether in the same or different townships, may, upon petition of at least fifty legal voters in each of the townships or school



districts, or if a school district contains fewer than 150 voters, then by at least one-third of the legal voters of such district, and upon an affirmative vote in each of such townships or districts, at an election held pursuant to the provisions of section 85 of this Act, establish and maintain in the manner provided for township high schools, a high school for the benefit of the inhabitants of the territory described in such petition.

§ 88. The inhabitants of any territory composed of parts of adjoining townships, who are now maintaining a high school and who have elected a board of education, may create such territory into a high school district by a petition signed by fifty legal voters of such district and an affirmative vote in such district, and may elect a board of education therefor, as in other high school districts. When part of a township has been included in a high school district pursuant to any of the provisions of this Act, the remainder of such township not included in any high school district, shall constitute a township for high school purposes.

§ 89. Any school district having a population of two thousand (2,000) inhabitants or more may, in the manner herein provided for establishing and maintaining a township high school, establish and maintain a high school for the benefit of the inhabitants of such school district, and elect a board of education therefor with the same powers conferred on township high school boards of education. The territory of such district when so organized for high school purposes shall constitute a high school district for high school purposes distinct and separate from the common school district having the same boundaries, and the high school board of education of such high school district shall have the same power to levy taxes and establish and maintain high schools as township high school boards of education organized under this Act possess, and such taxes shall be in addition to the taxes authorized to be levied by section 189 of this Act. All school districts which have heretofore organized under this section, elected a high school board of education, and are maintaining a high school, shall be regarded as high school districts distinct and separate from the common school district having the same boundaries, and the high school board of education of such high school district shall have the same power of taxation as township high school boards of education organized under this Act.

A township or part of a township in which there is no township high school may be annexed to an adjacent high school district organized under this section in the same manner as near as may be as is provided in sections 94, 95 and 96 of this Act for the annexation of territory to a township in which a high school has been established.

§ 90. When any city in this State having a population of not less than one thousand and not exceeding one hundred thousand inhabitants, lies within two or more townships, that township in which a majority of the inhabitants of the city reside shall, with the city, constitute under this Act a school township for high school purposes.

§ 91. For the purpose of building school houses, supporting the school and paying other necessary expenses, the territory for the benefit of which a high school is established under any of the provisions of this Act, shall be regarded as a school district, and the board of education thereof shall, in all respects, have the power and discharge the duties of school directors, for such district.

§ 92. When any district desires to discontinue the high school, the treasurer, upon petition of a majority of the legal voters of the district filed at least fifteen days preceding the regular election of trustees of schools with the treasurer of such district, shall give notice of an election to be held on the day of the regular election of trustees, for the purpose of voting "for" or "against" the proposition to discontinue the township high school, which notice shall be given in the same manner and for the same length of time, and in substantially the same form, as the notice provided for in section 85 of this Act. The ballots for such election shall be canvassed in the manner provided for in section 85 of this Act. If a majority of the votes cast at such election shall be in favor of discontinuing the high school, the trustees of schools shall surrender the assets of the high school to the district fund of the township or townships interested in proportion of the assessed valuation of the townships or parts of townships comprising such district.

§ 93. When any township in any county under township organization shall contain two political towns divided by a navigable stream as recognized by the United States, each of which shall contain a city of not less than one thousand nor more than one hundred thousand inhabitants, each town shall constitute a township under this Act for high school purposes.

§ 94. A township or part of a township in which there is no township high school may be annexed, in the manner hereinafter provided, to an adjacent township in which a township high school has been established. Upon petition of five per cent of the legal voters of the territory to be annexed, and of the township to which annexation is desired, filed with the treasurers of the respective townships at least fifteen days preceding the regular election of trustees of schools, the respective treasurers shall give notice to the voters concerned that an election for or against annexing the township or part of a township, as the case may be, will be held at the next regular election of trustees of schools in each township, by posting notices of such election in at least ten of the most public places in the territory to be annexed, and in the adjacent township, at least ten days before the date of such regular election. Such notice may be in the following form, to-wit:

#### HIGH SCHOOL ANNEXATION.

Notice is hereby given that on Saturday, the.....day of April, 1... an election will be held at.....for the purpose of voting "for" or "against" the proposition to annex for township high school purposes the following territory, to-wit: (Here insert the number and

range of the township when the whole of the township is to be annexed, or when part of a township is to be annexed insert the said part of said township), to township number....., range number..... (Township having an established high school).

The polls will be opened at.....o'clock.....m., and closed at.....o'clock.....m.

A.....B.....

*Treasurer.*

When less than the whole of a township is to be annexed, only the voters in the territory to be annexed shall have the right to vote, and the trustees of schools shall provide a voting place for that territory and the judges and clerks of such election.

§ 95. If petitions request the township treasurers, respectively, to submit said question at a special election, it shall be the duty of the township treasurers to call the respective elections, as provided in the foregoing sections, for some day and hour not exceeding thirty days from the date of the filing of the petition; and to give at least ten days' notice of the election, in which event the polls of the election shall be open in at least two polling places and for at least four consecutive hours, and the polling places in the respective townships shall be designated and fixed by the treasurers respectively.

If a majority of the votes cast in the township having an established high school, and a majority of the votes cast in the territory to be annexed shall be in favor of the proposition, the township or territory, as the case may be, shall be and become so annexed, and the property in such township or territory shall thereafter be subject to taxation for the support and maintenance of the township high school, including the payment of any bonded indebtedness of such township high school, and interest thereon, thereafter falling due, as fully and to the same extent as is provided by law for the levying of taxes upon property for the support and maintenance of township high schools. The taxes collected from such township or territory annexed for the support and maintenance of a township high school shall be paid by the officer collecting the same to the township treasurer of the township having the established high school.

§ 96. Such election shall be held in the manner provided by law for the holding of elections for township trustees of schools, and the ballots of such election shall be canvassed, and the returns thereof made as in other school elections. If a majority of the votes cast shall be in favor of the proposition, it shall be the duty of the township treasurer of the township which is annexed, or part thereof, as the case may be, to file a certificate with the county clerk of the county in which such township is located, or if such township is situated in more than one county, with the respective clerks of such counties, certifying to the territory so annexed and giving a description thereof.

§ 97. Upon the petition of not less than fifty voters of any high school district, filed with the township treasurer at least fifteen days preceding the regular election of members of the board of education for such high school district, it shall be the duty of the treasurer to notify the

voters of such district that an election "for" or "against" the establishment of a manual training department for such high school will be held at the next annual election of the board of education by posting notices of such election in at least ten of the most public places throughout the township for at least ten days before the day of such regular election, which notice may be in the following form, to-wit:

#### HIGH SCHOOL ELECTION.

Notice is hereby given that on Saturday, the.....day of April, 1... an election will be held at.....for the purpose of voting "for" or "against" the proposition to establish a manual training department for the high school in township No....., range No..... The polls will be opened at.....o'clock.....m., and closed at..... o'clock.....m.

.....

*Township Treasurer.*

The ballots for such election shall be canvassed as in other elections, and may have on them the names of the persons voted for at such election. If a majority of the votes cast shall be in favor of establishing a manual training department for the high school in such district, it shall be the duty of the board of education to establish and maintain therein such department as a part of the high school.

#### COUNTY NORMAL SCHOOLS.

§ 98. In each county adopting township organization, the board of supervisors, and in other counties the county court, may establish a county normal school for the purpose of fitting teachers for the common schools. They shall be authorized to levy taxes and appropriate moneys for the support of said schools, and also for the purchase of necessary grounds and buildings, furniture, apparatus, etc., and to hold and acquire, by gift or purchase, either from individuals or corporations, any real estate buildings or other property, for the use of said schools, said taxes to be levied and collected as all other county taxes: *Provided, however,* that in counties not under township organization, county courts shall not be authorized to proceed under the provisions of this Act until the subject shall have been submitted to a vote of the People, at a general election, and it shall appear that a majority of all the votes cast on the subject, at said election, shall be in favor of the establishment of a county normal school. The ballots used in voting on this subject may read: "For a county normal school" or "against a county normal school."

§ 99. The management and control of said school shall be in a county board of education, consisting of not less than five nor more than eight persons, of which board the chairman of the board of supervisors, or the judge of the county court, as the case may be, and the county superintendent of schools, shall be *ex officio* members. The other members shall be chosen by the board of supervisors or county

court, and shall hold their offices for a term of three years. But at the first election one-third shall be chosen for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually. Said elections shall be held at the annual meeting of the board of supervisors in September, or at the September term of the county court, as the case may be.

§ 100. Said board of education shall have power to hire teachers, and to make and enforce all needful rules and regulations for the management of said schools. A majority of the board shall constitute a quorum for the transaction of business, and a meeting of the board may be called at any time by the president or secretary, or by any three of the members thereof. Said board shall proceed to organize within twenty days after their appointment, by electing a president, who shall hold his office for one year. The county superintendent shall be *ex officio* secretary of the board. Said board shall make to the board of supervisors at their annual meeting in September, or to the county court at the September term, as the case may be, a full report of the condition and expenditures of said county normal school, together with an estimate of the expenses of said school for the ensuing year.

§ 101. Two or more counties may unite in establishing a normal school, in which case the per cent of tax levied for the support of said school shall be the same in each county.

§ 102. In all counties that have already established normal schools, the action of the board of supervisors in so doing, and all appropriations made by them for their support, are hereby legalized, and said board of supervisors are hereby authorized and empowered to make further appropriations for the support of such school already established, until such schools have been established under the previous sections of this Act.

#### SCHOOL DIRECTORS.

§ 103. In all school districts having a population of fewer than one thousand inhabitants, and not governed by any special Act, there shall be elected a board of directors to consist of three members.

§ 104. The directors of each district shall be a body politic and corporate, by the name of "school directors of district No. . . . . county of . . . . . and State of Illinois," and by that name may sue and be sued in all courts and places where judicial proceedings are had.

§ 105. Any person not a treasurer, or a trustee of schools, who has attained to the age of 21 years, who is a resident of the school district and able to read and write the English language, shall be eligible to the office of school director.

§ 106. The annual election of school directors shall be on the third Saturday of April. At the first regular election of directors after the passage of this Act, a successor to the director whose term of office then expires shall be elected, and thereafter one director shall be elected in each district, annually, who shall hold his office for three years. When

vacancies occur by removal from the district or otherwise, the remaining director or directors shall, without delay, order an election to fill such vacancies, which election shall be held on Saturday.

§ 107. Notice of all elections in organized districts shall be given by the directors at least ten days previous to the day of election. Such notice shall be posted in at least three of the most public places in the district, shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be submitted, and may be in the following form, to-wit:

#### NOTICE OF ELECTION.

Notice is hereby given, that on Saturday, the.....day of April, 1... an election will be held at.....for the purpose of electing.....school director.....for district No..... in.....county.

The polls will be opened at.....o'clock.....m., and closed at.....o'clock.....m.

Dated this.....day of.....1....

A.....B..... President.

C.....D..... Clerk.

Should the directors fail or refuse to order any regular or special election, it shall be the duty of the township treasurer, or if the township treasurer fails to do so, of the county superintendent, to order such election within ten days.

§ 108. Two of the directors ordering an election shall act as judges, and one as clerk. If the directors, or any of them, shall fail to attend an election, or shall refuse to act when present, and in elections to fill vacancies, the legal voters assembled shall choose such additional members as may be necessary to act as judges and clerk of the election. If the directors or judges shall be of the opinion that on account of the small attendance of voters the public good requires it, or if a majority of the voters present desire it, they shall postpone the election until the next Saturday, at the same time and place. If notice shall not have been given as required, the election shall be held on any Saturday, notice being given as required by law. In case of a tie, the judges shall decide the vote by lot on the day of election.

§ 109. Within ten days after the election, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate showing the election of directors and the names of the persons elected; which poll book shall be filed by the treasurer, and shall be evidence of the election. In a district divided by a township line the poll books shall be returned to the treasurer who receives the taxes of the district.

§ 110. Within ten days after the annual election, the directors shall meet and organize by appointing one of their number president, and another of their number clerk. The clerk shall at once report to the proper treasurer or treasurers the names of the president and clerk so appointed.

§ 111. The directors shall hold regular meetings at such times as they may designate, and special meetings at the call of the president or any two members. No official business shall be transacted by the directors except at a regular or a special meeting. Two directors shall constitute a quorum for the transaction of business. If the president or clerk be absent from any meeting, or refuse to perform his official duties, a president or a clerk *pro tempore* shall be appointed.

§ 112. The clerk shall keep in a punctual, orderly and reliable manner, a record of the official acts of the board which shall be signed by the president and the clerk, and submitted to the township treasurer for his inspection and approval on the first Mondays of April and October, and at such other times as the treasurer may require. On all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board.

§ 113. On or before the seventh day of July, annually, the clerk shall report to the treasurer having the custody of the funds of his district, such statistics and other information in relation to the schools of his district as the treasurer is required to include in his report to the county superintendent of schools.

§ 114. The board of directors shall have the following additional duties:

*First*—To make, at the annual election of directors, to the voters there present, a detailed report of receipts and expenditures, and transmit a copy of the same within five days to the township treasurer.

*Second*—To report to the county superintendent within ten days the names of all teachers employed, with the dates of the beginning and end of their contracts.

*Third*—To provide for the revenue necessary to maintain schools in their district.

*Fourth*—To determine, in case of a district composed of parts of two or more townships, which treasurer is to receive the taxes of the district, and to notify the collectors in writing accordingly.

*Fifth*—To adopt and enforce all necessary rules and regulations for the management and government of the public schools of their district.

*Sixth*—To visit and inspect the public schools as the good of the schools may require.

*Seventh*—To appoint all teachers and fix the amount of their salaries.

*Eighth*—To direct what branches of study shall be taught, what text books and apparatus shall be used, and to enforce uniformity of text books in the public schools; but they shall not permit books to be changed oftener than once in four years.

*Ninth*—To establish and keep in operation for at least six months in each year, and longer if practicable, a sufficient number of free schools for the accommodation of all persons in the district over the age of six and under twenty-one years, and to secure for all such persons the right and opportunity to an equal education in such schools.

*Tenth*—To purchase, at the expense of the district, a sufficient number of the text books used to supply children whose parents are unable to buy them. Such text books shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

*Eleventh*—To deliver to the township treasurer on or before the seventh day of July, annually, all teachers' schedules made and certified as required by law.

*Twelfth*—To pay no public money to any teacher unless such teacher at the time of his or her employment shall have held a certificate of qualification obtained under the provisions of this Act, and shall have kept and furnished schedules as required by this Act, and shall have satisfactorily accounted for books, apparatus and other property of the district that he may have taken in charge.

*Thirteenth*—To cause a copy of the township treasurer's report of the financial condition of the district to be entered upon the records of the district, and to post the same at the front door of the building where the annual election of directors is held.

§ 115. The board of school directors shall be clothed with the following powers:

*First*—To purchase a suitable book for their records.

*Second*—To allow the clerk a reasonable compensation for his services, payable out of money not otherwise appropriated.

*Third*—To dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause.

*Fourth*—To assign pupils to the several schools in the district; to admit non-resident pupils when it can be done without prejudice to the rights of resident pupils; to fix rates of tuition, and to collect and pay the same to the township treasurer for the use of the district.

*Fifth*—To suspend or expel pupils guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion or suspension.

*Sixth*—To provide that children under twelve years of age shall not be kept in school more than four hours daily.

*Seventh*—To appropriate school funds for the purchase of libraries and apparatus, after provision has been made for the payment of all necessary school expenses.

*Eighth*—To sell at public or private sale any personal property belonging to the school district, and not needed for school purposes.

*Ninth*—To grant special holidays whenever in their judgment such action is advisable, but no deduction shall be made from the time or compensation of a teacher on account of such days.

*Tenth*—To have the control and supervision of all public school houses in their district, and to grant the temporary use of them, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and literary societies, and for such other meetings as the directors may deem proper.



*Eleventh*—To decide when a site or building has become unnecessary, unsuitable, or inconvenient for a school.

*Twelfth*—To borrow money, and issue bonds for the purposes and in the manner provided by this Act.

*Thirteenth*—To furnish each school with a flag and staff, as provided by law.

*Fourteenth*—To establish classes having an average attendance of not fewer than fifteen pupils for the instruction of crippled children over the age of six and under twenty-one years.

*Fifteenth*—To establish classes for the instruction of deaf children over the age of three and under twenty-one years: *Provided, however*, that no person shall be employed to teach the deaf who shall not have received instruction in the methods of teaching the deaf for a term of not less than one year.

*Sixteenth*—To establish kindergartens for the instruction of children between the age of four and six years, when authorized by a majority of the votes cast at an election held for that purpose under the provisions of section 198 of this Act: *Provided, however*, that the tuition or other expenses of such kindergartens shall be defrayed from the local tax and from the special school revenue of the district: *And, provided, further*, that no one shall be employed to teach in a kindergarten who does not hold a certificate issued as provided by law certifying that the holder has been examined upon kindergarten principles and is competent to teach the same.

§ 116. Every order issued by the school directors shall state for what purposes or on what account it is issued, and shall be in the following form, to-wit:

\$. . . . . STATE OF ILLINOIS . . . . . 1 . . .

#### THE TREASURER OF TOWNSHIP.

No. . . . . Range No. . . . . in . . . . . County,  
Pay to the order of . . . . .  
the sum of . . . . . Dollars,

100

for . . . . .  
.....

By order of the Board of Directors of  
District No. . . . in said County.

..... President.  
..... Clerk.

Order No. . . . .

An order paid in full and properly endorsed shall be a sufficient receipt for the purposes of this Act. The school directors shall issue no order, except for teachers' wages, unless at the time there are sufficient funds in the hands of the treasurer to pay it.

§ 117. When there is no money in the treasury to defray the ordinary and necessary expenses of the district, the directors may issue

warrants against and in anticipation of any taxes levied for the payment of the ordinary and necessary expenses of the district, to the extent of 75 per cent of the total amount of the tax levied. Such warrants shall show upon their face that they are payable solely from the taxes when collected, and shall be received by any collector of taxes in payment of the taxes against which they are issued. And such taxes shall be set apart and held for their payment.

§ 118. The directors shall pay the wages of teachers monthly. Upon the receipt of a schedule properly certified the directors shall forthwith issue and deliver to the teacher an order on the township treasurer for the amount named in the schedule. Such order shall state the rate and time for which the teacher is paid. It shall not be lawful for the directors to issue an order until they have duly certified to the schedule; nor shall it be lawful for the directors, after the date for filing schedules as fixed by law, to certify any schedule not delivered to them before that date, when such schedule is for time taught before the first of July preceding, nor to give an order in payment of a teacher's wages for the time covered by such delinquent schedule.

§ 119. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months, without a vote of the people at an election called and conducted as required by section 198 of this Act. A majority of the votes cast shall be necessary to authorize the directors to act. If no locality shall receive a majority of the votes, the directors may select a suitable site. The site selected by either method shall be the school site for such district.

§ 120. In case the compensation for the school house site cannot be agreed upon, it shall be the duty of the directors to have such compensation determined in the manner provided by law for the exercise of the right of eminent domain: *Provided, however,* that no tract of land outside the limits of any incorporated city or village, and within forty rods of the dwelling of the owner of the land, shall be taken for a school site without the owner's consent.

§ 121. Pupils may be transferred from one district to another upon the written consent of a majority of the directors of each district, which written consent shall be filed with the treasurer and shall be evidence of such consent. The duty of collecting the amount due on account of pupils transferred shall devolve upon the directors of the district in which the school was taught.

§ 122. The graduates of the eighth grade in any school district in this State in which no high school is maintained, shall upon the payment of tuition, be admitted to the high school of any district in the county in which such pupils reside, or in any adjoining county, by and with the consent of the school board of such district where such high school is located. The tuition in case the parent or guardian of such pupil is unable to pay tuition, shall be paid by the school board of the district in which such pupils reside, from the funds of the district. But the tuition in no case shall exceed the per capita cost of maintaining the

high school selected. The parent, or guardian, with the approval of the school board of the home district shall be authorized to select the high school to be attended by such pupils: *Provided, however,* that the high school selected shall offer a program of studies extending through four school years: *And, provided, further,* that the application of this section shall not relate to districts that offer work in the ninth and tenth grades, except to pupils that have completed the work in such grades.

#### BOARDS OF EDUCATION.

§ 123. In all school districts having a population of not fewer than one thousand and not more than one hundred thousand inhabitants, and not governed by special Acts, and in such other districts as may hereafter be ascertained by any special or general census to have such population, there shall be elected a board of education to consist of a president, six members and three additional members for every additional ten thousand inhabitants: *Provided, however,* that in no case shall such board consist of more than fifteen members. When such board of education is the successor of the school directors, all rights of property, and all rights regarding causes of action existing or vested in such directors, shall vest in it as fully and completely as they were vested in the school directors.

§ 124. Incorporated cities and villages, except such as have control of schools by special Acts, shall remain parts of the school townships in which they are situated and be subject to the provisions of this Act.

§ 125. The president of the board of education shall be elected annually, at the time the members of the board are elected, and shall hold his office for the term of one year. He shall preside at all meetings, but shall have no vote except in case of a tie. He shall perform such duties as are imposed by law upon presidents of boards of directors, or such as may be imposed upon him by the board of education.

§ 126. The election of boards of education shall be governed by the provisions of this Act relating to the election of boards of directors: *Provided, however,* that boards of education shall have power to establish a suitable number of voting precincts, and fix the boundaries thereof for the accommodation of the voters of the district in which such election is held, in each of which voting precincts there shall be one polling place designated by the board. Whenever the board of education shall establish more than one voting precinct for such election they shall appoint two judges and one clerk for each polling place, assigning so far as practicable at least one member of such board to each polling place. When the time for the election of members of boards of education or boards of inspectors is fixed by virtue of any special Act, such election may be held at the time provided for the election of school directors.

§ 127. The board of education shall have all the powers of school directors, be subject to the same limitations, and in addition thereto they shall have the power, and it shall be their duty:

*First*—To establish and support free schools for not less than six nor more than ten months in each year.

*Second*—To repair and improve school houses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

*Third*—To examine teachers by examinations supplemental to any other examination, and to employ teachers and fix the amount of their salaries.

*Fourth*—To establish schools of different grades, to adopt regulations for the admission of pupils into the same, and to assign pupils to the several schools.

*Fifth*—To buy or lease sites for school houses with the necessary grounds; *Provided, however*, that it shall not be lawful for such board of education to purchase or locate a school house site, or to purchase, build or move a school house, unless authorized by a majority of all the votes cast at an election called for such purpose in pursuance of a petition signed by not fewer than five hundred legal voters of such district, or by one-fifth of all the legal voters of such district: *And, provided, further*, that if no locality shall receive a majority of all the votes cast at such election, the board of education may, if in their judgment the public interest requires it, proceed to select a suitable school house site; and the site so chosen by them in such case shall be legal and valid the same as if it had been determined by a majority of all the votes cast; and the site so selected shall be the school house site for such district; and said district shall have the right to take the same for the purpose of a school house site, either with or without the owner's consent, by condemnation or otherwise: *And, provided, further*, that all school house sites heretofore located or selected by boards of education in cases [in] which at an election duly called and held as herein provided, no site received a majority of the votes cast, are hereby legalized and made valid school house sites in and for the district for which they were so located and selected.

*Sixth*—To levy a tax to extend schools beyond a period of ten months, in each year, upon a petition of a majority of the voters of the district.

*Seventh*—To employ a competent superintendent who may be required to act as principal or teacher in such schools.

*Eighth*—To divide the district into sub-districts, to create new ones, and to alter or consolidate them.

*Ninth*—To dismiss and remove any teacher, whenever in their opinion he is not qualified to teach, or whenever in their opinion the interests of the school may require it.

*Tenth*—To apportion the pupils to the several schools.

*Eleventh*—To appoint a secretary who shall keep a faithful record of all their proceedings.

*Twelfth*—To prepare and publish annually in some newspaper, or in pamphlet form, a report including the school attendance in the year preceding, the program of studies, the number of persons between the ages of twelve and twenty-one unable to read and write, and a statement of the receipts and expenditures, with the balance on hand.

*Thirteenth*—To request the trustees of schools, in writing, to convey any real estates or interest therein used for school purposes, or held in trust for schools.

BOARDS OF EDUCATION IN CITIES OF 100,000.

§ 128. In cities having a population exceeding 100,000 inhabitants, the board of education shall consist of twenty-one members, to be appointed by the mayor, by and with the advice and consent of the common council, seven of whom shall be appointed for the term of one year, seven for the term of two years, and seven for the term of three years. At the expiration of the term of any member of said board, their successors shall be appointed in like manner and shall hold their office for the term of three years. Any vacancy which may occur shall be filled by appointment of the mayor, with the approval of the common council, for the unexpired term.

§ 129. Any person having resided in any such city more than five years next preceding his appointment shall be eligible to membership of such board of education.

§ 130. The board of education shall appoint one of its members president. It shall also appoint a secretary and such other officers and employés as it shall deem necessary, and shall prescribe their duties, compensation and terms of office.

§ 131. The board shall provide books in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money.

§ 132. The board of education shall have charge and control of the public schools in such cities, and shall have power with the concurrence of the city council:

*First*—To erect or purchase buildings suitable for school houses, and keep the same in repair.

*Second*—To buy or lease sites for school houses with the necessary grounds. If the board of education shall be unable to agree with the owner or owners for the purchase of such site, then, with the concurrence of the city council, it may acquire the title to such site in the manner provided by law for the exercise of the right of eminent domain. Such proceedings to condemn shall be in the name of the city in trust for the use of schools.

*Third*—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing school sites, and to provide for the payment of such bonds; and to borrow money for school purposes upon the credit of the city.

§ 133. The said board of education shall have power:

*First*—To furnish schools with the necessary fixtures, furniture and apparatus.

*Second*—To maintain, support and establish schools and supply from taxes the inadequacy of the school funds for the salaries of teachers.

*Third*—To hire buildings or rooms for the use of the board or of schools.

*Fourth*—To employ teachers and fix the amount of their compensation.

*Fifth*—To prescribe the school books to be used, and the studies in the different schools.

*Sixth*—To divide the city into school districts, and to alter them and create new ones as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be deemed necessary and expedient for such purpose.

*Seventh*—To expel any pupil guilty of gross disobedience or misconduct.

*Eighth*—To dismiss and remove any teacher for cause in the manner provided in section 161 of this Act.

*Ninth*—To apportion the pupils to the several schools.

*Tenth*—To lease school property and to lend moneys belonging to the school fund.

*Eleventh*—To grant the use of assembly halls and class rooms when not otherwise needed, including light, heat and attendants; for public lectures, concerts and other educational and social interests, free of cost, but under such provisions and control as they may see fit to impose.

§ 134. It shall be the duty of the board of education:

*First*—To superintend and control the schools in such cities.

*Second*—To examine all persons offering themselves as candidates for teachers, and when found well qualified to give them certificates gratuitously.

*Third*—To visit all the public schools as often as once a month.

*Fourth*—To establish such by-laws, rules and regulations for the establishment, maintenance and government of a proper and uniform system of discipline in the several schools as may in their opinion be necessary.

*Fifth*—To determine from time to time how many and what class of teachers may be employed in each of the public schools, and to employ such teachers and fix their compensation.

*Sixth*—To take charge of the school houses, furniture, grounds and other property belonging to the school districts, and see that they are kept in good condition and not suffered to be unnecessarily injured or deteriorated.

*Seventh*—To provide fuel and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

*Eighth*—To establish and maintain vacation schools and play grounds under such rules and regulations as it shall prescribe.

*Ninth*—To inquire into the progress of pupils and the government of the schools.

*Tenth*—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

*Eleventh*—To prescribe what studies shall be taught, and what books and apparatus shall be used.

*Twelfth*—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

*Thirteenth*—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures.

*Fourteenth*—To communicate to the city council, from time to time, such information as may be required.

§ 135. None of the powers herein conferred upon the board of education of such cities shall be exercised except at a regular meeting.

§ 136. All conveyances of real estate shall be made to the city and the title of all property acquired by condemnation shall be vested in the city, in trust for the use of schools, and no sale of real estate or interest therein used for school purposes or held in trust for schools shall [be] made, except by the city council upon the written request of the board of education.

§ 137. All moneys raised by taxation for school purposes or received from the State common school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city comptroller or, if there be no city comptroller, by the city clerk.

§ 138. The board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund, the rental of school lands or property, and the amount annually appropriated for such purposes. If the board shall add to such expenditure, the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize the levy or collection of any tax upon the demand or under the direction of the board of education.

§ 139. All schools in such cities shall be governed as herein provided and no power given to the board of education shall be exercised by the city council of such cities.

#### PARENTAL SCHOOLS.

§ 140. In cities having a population of 100,000 inhabitants or more, there shall be established, maintained and conducted, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided.

§ 141. For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such cities; but no such school shall be located at or near any penal institution. It shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

§ 142. The board of education may also employ a superintendent and all other necessary officers, agents and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as are prescribed by law for the management of other schools.

§ 143. No religious instruction shall be given in such school except such as allowed by law to be given in public schools; but the board of education shall make suitable regulations so that the inmates may receive religious training in accordance with the belief of the parents of such children, either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere.

§ 144. It shall be the duty of the truant officer or agent of such board of education to petition, and any reputable citizen of the city may petition, the county or circuit court of the county to inquire into the case of any child of compulsory age who is not attending school, and who has been guilty of habitual truancy, or persistent violation of the rules of the public school, and the petition shall also state the names, if known, of the father and mother of such child, or the survivor of them; and if neither father nor mother of such child is living, or found in the county, or if their names cannot be ascertained, then the name of the guardian, if there be one known; and if there be a parent living whose name can be ascertained, or a guardian, the petition shall show whether or not the father or mother or a guardian consents to the commitment of such child to such parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the county or circuit court shall have the child named in the petition brought before him for the purpose of determining the application in such petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution.

§ 145. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring such child before the court, and if the court shall find that the material facts set forth in the petition are true, and if, in the opinion of the court, such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of fourteen years, unless sooner discharged in the manner hereinafter set forth. Before such hearing notice in writing shall be given to the



parent or guardian of such child, if, known, of the proceedings about to be instituted, that he or she may appear and resist the same if either of them so desire.

§ 146. It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of education, and such board may have an action against such parent or guardian of the child to recover the cost of such clothing with 10 per cent additional thereto.

§ 147. The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under the control of the officers and agents of such school, and subject at any time to be taken back within the enclosure of such school by the superintendent or an authorized officer of said school except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of education. No child shall be released upon parole in less than four weeks from the time of his commitment, nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of the child that, if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian and shall so certify to the board of education.

§ 148. It shall be the duty of the principal or other persons having charge of the school to which such child so released on parole may be sent to report at least once each month to the superintendent of the parental or truant school, stating whether or not such child attends school regularly and obeys the rules and requirements of said school; and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date on which he or she was released upon parole, he or she shall then be finally discharged from the parental or truant school, and shall not be recommitted thereto except on petition as hereinbefore provided.

§ 149. In case any child released from said school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall, upon the order of the board of education, as hereinbefore provided, be taken back to such parental or truant school and shall not be again released upon parole within the period of three months from the date of such re-entering, and if he or she shall violate the conditions of a second parole he or she

shall be recommitted to such parental or truant school and shall not be released therefrom on parole until he or she shall remain in said school at least one year.

§ 150. In any case in which a child is found to be incorrigible and his or her influence in such school to be detrimental to the interests of the other pupils, the board of education may authorize the superintendent or any officer of the school to represent these facts to the circuit or county court by petition, and the court shall have authority to commit said child to some juvenile reformatory.

§ 151. Boards of education in cities having a population of over 25,000 and less than 100,000 may establish, maintain and operate a parental or truant school for the purposes hereinbefore specified, and in case of the establishment of such a school, the boards of education shall have like power in their respective cities as hereinbefore expressed: *Provided, however*, that no board of trustees or board of education under this section shall put this law into effect until submitted to a vote of the people and adopted by a majority vote at some general election.

#### TEACHER'S PENSION FUND.

§ 152. In every city in this State having a population exceeding 100,000 inhabitants, there shall be elected a board of trustees to have the administration and control of a public school teachers' pension and retirement fund, to be created and maintained in the manner provided by this Act. Such board of trustees shall consist of nine members. The secretary of the board of education of such city shall be *ex officio* a member of said board of trustees; in addition thereto there shall be elected annually at the first meeting of the board of education in the month of October of each year two of its members to serve on said board of trustees; and at the first election there shall be elected six members to said board of trustees from the teachers' force employed in said city; two for the term of one year, two for the term of two years and two for the term of three years. On the date of the first meeting of said board of education in the month of October of each year thereafter there shall in like manner be elected two members to said board of trustees, who shall hold their office for a term of three years. The election of the members of said board of trustees by the board of education, shall be by a majority vote in such manner as they, the board of education, shall provide. The election of the members to said board of trustees by the teaching forces of such city shall be by ballot at an election held by the board of education, which shall conform as nearly as may be to the provisions of the law in relation to school elections, and each person being a member of the teaching force of such city, and a contributor to said pension and retirement fund shall be entitled to cast at such election, one vote for each trustee to be elected. Elections to fill vacancies may be called by the board of education and held at the annual election: *Pro-*

vided, however, that the board of education may fill vacancies occurring in the membership of said board of trustees elected from said board of education at any regular meeting of the board of education.

§ 153. Such board of trustees shall have charge of and administration of the public school teachers' pension and retirement fund of such city, and shall have power to invest the same in such manner as it shall deem most beneficial to said fund, but in [the] same manner and subject to the same terms and conditions as township trustees are permitted to invest school funds under the law, and shall have power to make payments from said fund of pensions or annuities granted in pursuance of this Act; and shall from time to time make and establish such by-laws, rules and regulations for the administration of said fund, as they shall deem advisable and shall have power to employ such assistance and service as may, in their judgment be necessary for the proper enforcement of the provisions of this Act and carrying into effect valid by-laws, rules and regulations enacted by them, and they shall have power to fill any vacancies occurring in said board of trustees of members elected from the teaching force of said city, until the next annual election, when said vacancies shall be filled as provided by this Act.

§ 154. The public school teachers' pension and retirement fund of such city shall consist of moneys paid into said fund by persons desiring the benefits thereof, under the provisions of this Act; of moneys received from donations, legacies, gifts, bequests or otherwise on account of said fund, and of moneys paid into said fund in pursuance of any law now in force or hereafter to be enacted.

§ 155. Any person who shall be employed to teach in the public school of any city, after this Act shall take effect, shall be entitled to the benefits of said fund upon complying with the provisions of this Act, and for the purposes of this Act such persons shall be divided into the following classes:

*First*—Those who have taught five years or less.

*Second*—Those who have taught more than five years and not more than ten years.

*Third*—Those who have taught more than ten years and not more than fifteen years.

*Fourth*—Those who have taught more than fifteen years.

After this Act shall take effect, there shall be set apart from the salaries of all persons hereafter entering for the first time the employ of the board of education of such cities \$5.00 per annum, while they remain in the first class; \$10.00 per annum while they remain in the second class; \$15.00 per annum while they remain in the third class, and \$30.00 per annum while they remain in the fourth class, which amounts shall be deducted by the board of education in equal installments from their respective salaries at the regular times for the payment thereof, and be paid into and constitute a part of the public school teachers' pension and retirement fund of such city.

§ 156. Teachers employed by the board of education of any such city, who shall become contributors to and beneficiaries of a public school teachers' pension and retirement fund, under any provisions of this Act, may count past service as a part of the period of twenty-five years hereinafter specified, by paying into said fund a sum equal to that which he or she would have contributed under the provisions of this Act, had he or she been a regular contributor to said fund, during said period of past service, together with interest thereon at the rate of 4 per cent per annum from the time such payments would have been made to the time such person shall by making such payment become entitled to the benefit of such past service.

§ 157. Such board of trustees shall have the power and it shall be its duty to pass a resolution declaring the maturity of service and right to the immediate benefits of said fund in favor of persons entitled to the benefits thereof in the following cases:

*First*—When any such persons shall have taught in the public schools or rendered service therein for a period of twenty-five years within the meaning of this Act.

*Second*—When any contributor to the said fund shall have taught fifteen years in the public schools within the meaning of this Act and shall have been declared by three competent physicians, who have made a physical examination of the teacher, at the request of a majority of such board of trustees, to be suffering from a permanent disability: *Provided, however,* that neither said board of trustees nor said board of education shall declare any contributor entitled to the immediate benefits of said fund until he or she shall have taught in the public schools of such city three-fifths of the term of service of twenty-five or fifteen years as the case may be; and no person shall be entitled to the benefits of said fund until he or she shall have retired from service as a teacher in said city.

§ 158. Each teacher so retired or retiring after twenty-five years of service shall thereafter be entitled to receive an annuity of \$400.00, and each teacher so retired because of permanent disability after fifteen years of service shall receive as an annual pension such proportion of the full annuity of \$400.00 as the sum contributed by such teacher so retired bears to the total contributions required for a full annuity. Said pensions and annuities shall be paid monthly during the school year by said board of trustees out of the fund created in accordance with the provisions of this Act in the manner provided by law for the payment of teachers' salaries.

§ 159. The president and the secretary of said board of education shall certify monthly to the city treasurer all amounts deducted from the salaries of teachers, special teachers, principals and superintendents of schools in accordance with the provisions of this Act, which amounts, as well as all other moneys contributed to said fund, shall be set apart and held by said treasurer as a special fund for the purposes hereinbefore specified, subject to the order of said board of trustees herein created,

and shall be paid out upon warrants signed by the president and secretary of said board of education, and countersigned by the president of the said board of trustees.

§ 160. The city treasurer, *ex officio*, shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of said board of trustees, and shall keep his books and accounts concerning such fund in such manner as may be prescribed by said board, and said books and accounts shall always be subject to the inspection of said board or any member thereof. Said city treasurer shall be liable on his official bond for the proper performance of his duties and the conservation of the fund created by this Act. Any legal proceedings which may be necessary for the enforcement of the provisions of this Act, shall be brought by and in the name of the board of education for the use of the board of trustees of the public school teachers' pension fund.

§ 161. No teacher who has been, or who shall have been, elected by said board of education, shall be removed or discharged, except for cause, upon written charges which shall upon the teachers' written request, be investigated and determined by said board of education, whose action and decision in the matter shall be final. If at any time a teacher who is willing to continue is not re-employed or is discharged before the time he or she would, under the provisions of this Act, be entitled to a pension, then such teacher shall be paid back at once the money he or she may have contributed under this law. Any teacher who shall retire voluntarily from the service, prior to entering the aforesaid fourth class, shall receive a refund of one-half of the money he or she shall have contributed under this law.

§ 162. All persons who shall be employed as teachers by the board of education of any such city shall by such employment accept the provisions of this Act, and thereupon become contributors to said pension fund in accordance with the terms thereof. And the provisions of this Act shall become a part of and enter into any such contract of employment.

§ 163. All pensions or annuities granted under the provisions of this Act and every portion thereof shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained or levied upon by virtue of any execution, or any process or proceedings whatsoever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, claim, damage, demand or judgment against any pensioner hereunder, and no annuitant or pensioner shall have the right to transfer or assign his or her pension or annuity or any part thereof either by way of mortgage or otherwise.

§ 164. Neither the treasurer nor any other officer having the custody of public school funds of any city having a population exceeding 100,000 inhabitants, shall be entitled to retain any interest accruing thereon or any part thereof, but such interest shall accrue and inure to the benefit of such school funds respectively, become a part thereof and be paid into the city treasury, subject to the purposes of this Act.

§ 165. The board of education of any such city, as to such funds raised by taxation, levied by such city for school purposes, whether the same be for educational purposes or for building purposes, shall annually set aside all interest so added to such funds and contribute the same to the public school teachers' and public school employes' pension and retirement funds now created or existing or such as may be hereafter created pursuant to any law. The amount of such interest so contributed, however, shall not exceed in any year 1 per cent of the sums so levied for such purposes.

#### NORMAL SCHOOL AND UNIVERSITY SCHOLARSHIPS.

§ 166. There shall be awarded annually to each school township, or fractional township, a scholarship which shall entitle the holder thereof to gratuitous instruction in any State normal school, for a period of four years: *Provided, however,* that any township having a population exceeding one hundred thousand inhabitants, shall be entitled to five scholarships.

§ 167. The county superintendent shall receive and register the names of all applicants for such scholarships, and shall hold an examination, or cause an examination to be held, in each township, for the benefit of graduates of the eighth grade: *Provided, however,* that when a township is divided by a county line, the county superintendent in whose county the sixteenth section is situated shall have charge of the examination in such township.

§ 168. All examinations for normal school scholarships shall be held on Saturday between the first day of March and the fifteenth day of May in each year, according to rules and regulations prescribed by the Superintendent of Public Instruction, and the pupil found to possess the highest qualifications shall be entitled to such scholarship; *Provided, however,* that such pupil shall be a resident of the township in which such examination is held: *And, provided, further,* that when no application is received from any township, the county superintendent shall assign the pupil found to possess the next highest qualifications to that township.

§ 169. The county superintendent shall certify the names and addresses of all successful applicants, with the number and range of the township to which each pupil is accredited, to the Superintendent of Public Instruction, who shall issue to each pupil a certificate of scholarship which shall be accepted by the authorities of any State normal school in lieu of any entrance examination, and shall exempt the holder thereof from the payment of tuition, or any term, matriculation, or incidental fee whatsoever.

§ 170. There shall be awarded, annually, to each county, one university scholarship, which shall entitle the holder thereof to gratuitous instruction in the University of Illinois for a period of four years.

§ 171. The county superintendent shall receive and register the names of all applicants for such scholarships, and shall hold an examina-

tion on the first Saturday of June of each year, according to rules and regulations prescribed by the president of the University, and the student found to possess the highest qualifications shall be entitled to such scholarship: *Provided, however*, that every applicant shall be at least sixteen years of age, and a resident of the county in which such examination is held: *And, provided, further*, that no student who has attended the University of Illinois shall be eligible to such examination.

§ 172. The county superintendent shall return to the president of the University, within ten days after such examination, a list of the names of all applicants examined, the grades obtained, together with the examination papers submitted by them; and the president of the University shall issue to the successful applicant a certificate of scholarship as directed by the provisions of this Act: *Provided, however*, that in case no return is made from a county, the president of the University may assign to that county from some other county the student found to possess the next highest qualifications.

§ 173. In addition to the scholarships provided for in section 171, each member of the General Assembly is authorized to nominate and appoint annually, one person of school age and otherwise eligible, from his district, who shall by virtue of his appointment receive a certificate of scholarship in the University. Each member of the General Assembly shall file with the president of the University on or before the first Saturday in June, the name and address of the student nominated by him to receive such scholarship. The candidate for such scholarship shall present himself for nomination before the county superintendent in the county where such student resides, at the time stated in section 171 for the competitive examination. The president of the University shall prescribe the rules and regulations governing such examination: *Provided, however*, that, in case the person named fails to pass the required examination for admission, the president of the University shall at once notify the member making the appointment, who may name another person for such scholarship; *And, provided, further*, that, if the member of the General Assembly shall so elect, the scholarship under his control may be awarded by competitive examination conducted under like rules as prescribe in section 171 of this Act.

§ 174. Any University scholarship issued under the provisions of this Act shall exempt the holder from the payment of tuition, or any matriculation, term or incidental fee whatsoever, except for purchase of laboratory supplies and similar fees for supplies and materials: *Provided, however*, that such student shall be subject to all examinations, rules and requirements of the board of trustees and faculty, except as herein directed: *And, provided further*, that the privileges of these scholarships shall not be available in the professional schools and colleges of the University: *And, provided, further*, that this Act shall not be construed to prohibit the board of trustees from granting other scholarships.

§ 175. Any student holding a University scholarship, who shall make it appear to the satisfaction of the president of the University that he requires leave of absence for the purpose of earning funds to defray

his expenses while in attendance, may be granted such leave of absence, and may be allowed a period not to exceed six years to complete his course at the University.

#### TEACHERS.

§ 176. No one shall be authorized or employed to teach in the common schools of this State, or shall receive, for teaching, any part of any public school fund, who is not at least 18 years of age, if a man, or 17 years of age, if a woman, and who does not hold at the time he enters upon his duties a certificate of qualification issued by the county superintendent of schools or the Superintendent of Public Instruction: *Provided, however,* that in any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent as sufficient evidence of qualification to entitle the holder to a first grade certificate if presented within two years from such graduation.

§ 177. Certificates of qualification issued by the Superintendent of Public Instruction shall be valid in every district in the State during the good behavior of the holder. Such certificates shall be granted only upon a public examination, complete in itself, under such regulations and by such examiners as the Superintendent of Public Instruction shall prescribe and appoint. The holder of any State certificate, while he continues to teach, shall, annually, before entering upon his duties as teacher, present his certificate to the county superintendent for registration. A fee of one dollar shall be charged therefor and covered into the institute fund.

§ 178. Certificates of qualification granted by the county superintendent shall be of two grades:

A certificate of the first grade shall be valid in the county for two years and shall certify that the person to whom such certificate is issued is of good character and qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the elements of the natural sciences, the history of the United States, the history of Illinois, physiology and the laws of health.

A certificate of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is issued is of good character and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the history of the United States and the history of Illinois.

Such certificates may be in the following form, to-wit:

..... Illinois, .....1....

The undersigned having examined..... in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the history of the United States, the history of Illinois, and methods of teaching, and being satisfied that ..... is of good character, hereby certifies



that..... qualifications in these branches are such as to entitle.....to this certificate, being of the.....grade, and valid in this county for.....year from the date hereof, renewable at the option of the county superintendent by his endorsement hereon.

Given under my hand and seal at the date aforesaid.

A..... B.....

*County Superintendent of Schools.*

Teachers of music, drawing, penmanship, bookkeeping, German, or any other special study, exclusively, shall not be required to be examined except in reference to such special study, and in such cases it shall not be lawful to employ such teachers to teach any branch of study except such as they have been examined upon and which shall be stated in such certificates. The county superintendent may, in his option, renew certificates at their expiration by his endorsement thereon, and may revoke a certificate at any time for immorality, incompetency or other just cause.

§ 179. Every school established under the provisions of this Act shall be for instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors, or the voters of the district at the annual election of directors may prescribe.

§ 180. Examinations for teachers' certificates shall be held by the county superintendent quarterly, and oftener, if necessary, on such days and in such places as will accommodate the greatest number of persons desiring such examination. Notice of such examinations shall be published a sufficient length of time in at least one newspaper of general circulation. A fee of one dollar shall be charged for the examination and also for the renewal of a certificate.

§ 181. The county superintendent shall hold an annual institute, not fewer than five days, for the instruction of teachers and those who may desire to teach. With the concurrence of the Superintendent of Public Instruction he shall employ such assistance as may be necessary to conduct the institute. Two or more adjoining counties may hold an institute together. At every institute instruction shall be free to holders of certificates good in the county or in any of the counties holding the institute, and to those who have paid an examination fee and failed to receive a certificate. All others attending shall be required to pay a registration fee of one dollar.

§ 182. All examination and registration fees, and fees for renewals, shall be transmitted monthly to the county treasurer, with a list of the names of the persons paying such fees. Such fund shall constitute the institute fund, and shall be paid out only upon the order of the county superintendent, to defray the expenses of teachers' institutes. When the institute fund in any county exceeds the average annual cost of the teachers' institute for the next preceding three years, such excess may be drawn upon by the county superintendent of schools for the purpose of defraying the expense of any general meeting of the teachers of the county.

§ 183. Five days in any school year, spent by a teacher, during term time, in attendance upon a teachers' institute, held under the direction of the county superintendent of schools, shall be considered time lawfully expended in the service of the district, and no deduction of wages shall be made for such attendance. It shall be the duty of the school directors to close the schools for such institute.

§ 184. It shall be the duty of every teacher to see that the school property of the district, under his care and control, is not unnecessarily damaged or destroyed. No teacher shall be paid any part of the school funds unless he shall have furnished schedules, when required by law, and shall have satisfactorily accounted for all books, apparatus and other property belonging to the district.

§ 185. Teachers shall keep daily registers, which shall exhibit the name, age and attendance of each pupil, the day of the week, the month and the year. Registers shall be in the following form, the absence of each scholar being indicated by a mark, the presence by a blank, to-wit:

Register of a common school kept by A. B. in district No. ....  
in the county of. .... in the State of Illinois.

NAMES AND AGES.		Total No. of days of each pupil.													
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		February 11	February 10	February 9	February 8	February 7	February 6	February 5	February 4	February 3	February 2	February 1	January 31	January 28	January 27
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		January 27	January 26	January 25	January 24	January 23	January 22	January 21	January 20	January 19	January 18	January 17	January 16	January 15	January 14
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		January 14	January 13	January 12	January 11	January 10	January 9	January 8	January 7	January 6	January 5	January 4	January 3	January 2	January 1
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		January 7	January 6	January 5	January 4	January 3	January 2	January 1	December 31	December 30	December 29	December 28	December 27	December 26	December 25
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		December 24	December 23	December 22	December 21	December 20	December 19	December 18	December 17	December 16	December 15	December 14	December 13	December 12	December 11
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		December 15	December 14	December 13	December 12	December 11	December 10	December 9	December 8	December 7	December 6	December 5	December 4	December 3	December 2
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		December 8	December 7	December 6	December 5	December 4	December 3	December 2	December 1	November 30	November 29	November 28	November 27	November 26	November 25
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		November 28	November 27	November 26	November 25	November 24	November 23	November 22	November 21	November 20	November 19	November 18	November 17	November 16	November 15
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		November 21	November 20	November 19	November 18	November 17	November 16	November 15	November 14	November 13	November 12	November 11	November 10	November 9	November 8
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		November 14	November 13	November 12	November 11	November 10	November 9	November 8	November 7	November 6	November 5	November 4	November 3	November 2	November 1
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		November 7	November 6	November 5	November 4	November 3	November 2	November 1	October 31	October 30	October 29	October 28	October 27	October 26	October 25
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		October 30	October 29	October 28	October 27	October 26	October 25	October 24	October 23	October 22	October 21	October 20	October 19	October 18	October 17
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		October 23	October 22	October 21	October 20	October 19	October 18	October 17	October 16	October 15	October 14	October 13	October 12	October 11	October 10
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		October 16	October 15	October 14	October 13	October 12	October 11	October 10	October 9	October 8	October 7	October 6	October 5	October 4	October 3
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		October 9	October 8	October 7	October 6	October 5	October 4	October 3	October 2	October 1	September 30	September 29	September 28	September 27	September 26
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		September 2	September 1	August 31	August 30	August 29	August 28	August 27	August 26	August 25	August 24	August 23	August 22	August 21	August 20
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		August 26	August 25	August 24	August 23	August 22	August 21	August 20	August 19	August 18	August 17	August 16	August 15	August 14	August 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		August 19	August 18	August 17	August 16	August 15	August 14	August 13	August 12	August 11	August 10	August 9	August 8	August 7	August 6
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		August 12	August 11	August 10	August 9	August 8	August 7	August 6	August 5	August 4	August 3	August 2	August 1	July 31	July 30
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		July 26	July 25	July 24	July 23	July 22	July 21	July 20	July 19	July 18	July 17	July 16	July 15	July 14	July 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		July 19	July 18	July 17	July 16	July 15	July 14	July 13	July 12	July 11	July 10	July 9	July 8	July 7	July 6
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		July 12	July 11	July 10	July 9	July 8	July 7	July 6	July 5	July 4	July 3	July 2	July 1	June 30	June 29
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		June 26	June 25	June 24	June 23	June 22	June 21	June 20	June 19	June 18	June 17	June 16	June 15	June 14	June 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		June 19	June 18	June 17	June 16	June 15	June 14	June 13	June 12	June 11	June 10	June 9	June 8	June 7	June 6
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		June 12	June 11	June 10	June 9	June 8	June 7	June 6	June 5	June 4	June 3	June 2	June 1	May 31	May 30
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		May 26	May 25	May 24	May 23	May 22	May 21	May 20	May 19	May 18	May 17	May 16	May 15	May 14	May 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		May 19	May 18	May 17	May 16	May 15	May 14	May 13	May 12	May 11	May 10	May 9	May 8	May 7	May 6
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		May 12	May 11	May 10	May 9	May 8	May 7	May 6	May 5	May 4	May 3	May 2	May 1	April 30	April 29
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		April 26	April 25	April 24	April 23	April 22	April 21	April 20	April 19	April 18	April 17	April 16	April 15	April 14	April 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		April 19	April 18	April 17	April 16	April 15	April 14	April 13	April 12	April 11	April 10	April 9	April 8	April 7	April 6
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		April 12	April 11	April 10	April 9	April 8	April 7	April 6	April 5	April 4	April 3	April 2	April 1	March 31	March 30
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		March 26	March 25	March 24	March 23	March 22	March 21	March 20	March 19	March 18	March 17	March 16	March 15	March 14	March 13
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		March 20	March 19	March 18	March 17	March 16	March 15	March 14	March 13	March 12	March 11	March 10	March 9	March 8	March 7
		1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910	1910
		Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,	Monday,	Friday,	Thursday,	Wednesday,	Tuesday,
		March 13	March 12	March 11	March 10	March 9	March 8	March 7	March 6	March 5					

§ 186. In all districts controlled by a board of directors, teachers shall make schedules of the names of all pupils attending school, in the form prescribed by this Act, and when pupils reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county. Boards of education may require teachers to make schedules, or statements certifying the number of days' attendance for each month, as shown by their registers, which shall be certified by the board of education, and be subject to the same requirements as schedules. Schedules shall be certified by the teacher, and shall be in the following form, to-wit:

Schedule of a school taught by..... in district No....., in the county of..... in the State of Illinois. Names and ages of pupils residing in district No....., .....county, who have attended school during the time beginning the.... day of..... 1....., during which time the school was in session..... school days.

Name.	Ages.	Days attended.
John Smith .....	10	15
Isaac Meisler.....	13	11
Sarah Danforth.....	16	20
Mary Newman.....	18	18
Grand total number of days' attendance .....		64

	Boys.	Girls.	Total.
Number of pupils.....	2	2	4
Average daily attendance .....			3.2

I hereby certify that the foregoing schedule is correct, to the best of my knowledge and belief.

A..... B.....  
Teacher.

§ 187. The schedule, or schedules, shall be delivered to one of the directors, who shall, if requested, give the teacher a receipt for the same. It shall be the duty of the director to examine carefully such schedule, or schedules, with at least one other director, and correct any errors, and if such schedule has been made according to law, they shall certify to the same in the following form, to-wit:

STATE OF ILLINOIS, }  
..... COUNTY. } ss.

We, the undersigned, directors of district No..... in..... county, certify that we have carefully examined the foregoing schedule and find it to be correct, and that the school was conducted according

to law; that the teacher is paid according to contract.....dollars per.....; the sum of.....dollars is now due..... for services for the month ending.....; that the teacher has a legal certificate of.....grade, and that the property of said district in charge of such teacher has been satisfactorily accounted for.

Signed this.....day of....., 1....

.....  
 .....  
 .....

*Directors.*

§ 188. The school month shall be the same as the calendar month. But a teacher shall not be required to teach on Saturdays or legal school holidays, which are the first day of January, the fourth day of July, the twenty-fifth day of December, and any day appointed by the President or Governor as a day of fast or thanksgiving, and no deduction shall be made from the time or compensation of a teacher on account of such days.

#### REVENUE.

§ 189. For the purpose of establishing and supporting free schools for not less than six nor more than nine months in each year, and defraying all the expenses of the same of every description; for the purpose of repairing and improving school houses, of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, the directors of such district and the authorities of such village or city shall be authorized to levy a tax annually upon all the taxable property of the district, village or city not to exceed one and one-half per cent for educational and one and one-half per cent for building purposes, the valuation to be ascertained by the last assessment for State and county taxes. *Provided*, that the term incidental expenses herein used shall not include any sum expended or obligation incurred for the improvement, repair or benefit of the school buildings and property, but all such sums and obligations shall be paid from that portion of the tax levied for building purposes. No election or petition shall be necessary to authorize the levy of a tax for the ordinary repair and improvement of school buildings or grounds or for the payment of any special tax or special assessment levied upon such property.

§ 190. The board of directors or board of education of each district shall ascertain as near as practicable, annually, how much money must be raised by special tax for educational and for building purposes for the next ensuing year. Such amounts shall be certified and returned to the township treasurer on or before the first Tuesday in August, annually. The certificate shall be signed by the president and clerk, or secretary, as the case may require, and may be in the following form, to-wit:

## CERTIFICATE OF TAX LEVY.

We hereby certify that we require the sum of.....dollars, to be levied as a special tax for educational purposes, and the sum of .....dollars to be levied as a special tax for building purposes, on the equalized assessed value of the taxable property of our district, for the year 1....

Signed this.....day of....., 1....

A ..... B ..... President.

C ..... D ..... Clerk.

District No....., ..... County.

The township treasurer shall return the certificate to the county clerk, on or before the second Monday of August. A failure by the school board to file the certificate, or of the treasurer to return it to the county clerk in the time required, shall not vitiate the assessment.

§ 191. When a district lies partly in two or more counties the directors shall ascertain as near as practicable the amount to be raised by special tax for educational and building purposes, and shall prepare a certificate for each county in which such district may lie, and deliver the certificates to the township treasurer who receives the tax money of such district, who shall return a certificate to each of the county clerks of the counties in which a part of such district is situated. On the first Monday of October, annually, or as soon thereafter as may be practicable, the county clerk of each [of] such counties shall ascertain the total equalized valuation of all the taxable property in that part of such district as shall lie in his county, and certify the amount thereof to the county clerk of each of the other counties in which such district may lie; and from the aggregate of such equalized valuation, and from the certificate of the amount so required to be levied, such clerk shall ascertain the rate per cent required to produce in such district the amount of such levy, and at that rate shall extend the special tax to be levied for educational and building purposes in that part of such district lying in his respective county.

§ 192. It shall be the duty of assessors, when making assessments of personal property, to designate the number of the school district in which the person assessed resides. Such designation shall be made by writing the number of the district opposite each person's assessment of personal property in the assessment roll returned by the assessor to the county clerk. The officers preparing blank books and notices for the use of assessors shall provide columns and blanks, so that the number of the school district may be designated.

§ 193. On or before the first day of April next after the delivery of the tax books containing the computation and levy of the taxes, or as soon thereafter as the treasurer shall present the certificate of the amount of the tax, and make a demand therefor, the collector shall pay to the treasurer the full amount of the tax certified by the county clerk, or in case any part remains uncollected, the collector shall, in addition to the amount collected, deliver to the treasurer a statement of the

amount of uncollected taxes for each district of the township, taking his receipt therefor, which receipt shall be evidence in favor of the collector as against the treasurer.

§ 194. If any collector shall fail to pay the taxes or any part thereof, the treasurer, or other authorized person, may proceed against him and his securities in an action of debt upon his official bond in any court of competent jurisdiction. The collector so in default shall pay twelve per cent on the amount due, to be assessed as damages, which shall be included in the judgment rendered against him. If he can show that any part of the taxes could not be collected by law, he shall not be liable for such taxes until he has collected, or may be able to collect them.

#### BONDS.

§ 195. For the purpose of building or repairing school houses or purchasing and improving school sites, the directors of any school district, when authorized by a majority of the votes cast at an election held for that purpose, may borrow money; and, as evidence of such indebtedness, may issue bonds signed by at least two directors, in denominations of not less than \$100.00, and bearing interest at a rate not exceeding 7 per cent per annum.

§ 196. All bonds issued by virtue of this Act, before being issued, negotiated and sold, shall be registered, numbered and countersigned by the treasurer who receives the taxes of the district. Such registration shall be made in a book provided for that purpose, in which shall be entered the record of the election authorizing the directors to borrow money, and a description of the bonds issued, including the number, date, to whom issued, amount, rate of interest and when due.

§ 197. All moneys borrowed under the authority of this Act shall be paid to the treasurer of the township wherein the bonds issued therefor are required to be registered. Upon receiving such moneys, the treasurer shall deliver the bond or bonds issued therefor to the person or persons entitled to receive them, and shall credit the funds received to the district issuing the bonds. The treasurer shall record the exact amount received for each and every bond issued. When any such bonds are paid, the treasurer shall cancel the same and shall enter, against the record of such bonds, the words "paid and cancelled the.....day of.....1....," filling the blanks with the day, month and year corresponding to the date of such payment.

§ 198. When it is desired to hold an election for the purpose of borrowing money, the directors of the district shall give at least ten days' notice of the election, by posting notices in at least three of the most public places in the district. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls, and the question to be voted upon, which notice may be in the following form, to-wit:

## NOTICE OF ELECTION.

Notice is hereby given that on.....day of.....  
 1..., an election will be held at.....school district No.....  
 in.....County, Illinois, for the purpose of voting  
 "for" or "against" the proposition to issue bonds of district No.....  
 to the amount of.....dollars due (here insert the  
 times of payment, giving the amount falling due in each year, if the  
 bonds mature at different days), which bonds are to bear interest at the  
 rate of.....per cent per annum, payable.....annually.

The polls will be opened at.....o'clock.....m., and closed at.....  
 o'clock.....m.

Dated this.....day of.....1....

A..... B..... President.

C..... D..... Clerk.

§ 199. Two of the directors shall act as judges of the election and one as clerk. In case a director shall fail to attend or to act at such election, the legal voters assembled shall choose from their number, at the time of opening the polls, some person to act as judge or clerk, as the case may be. The judges and clerk shall take and subscribe the oath required of judges and clerks of an election held for State and county officers. All votes shall be by ballot.

§ 200. Within ten days after the election the judges shall cause the poll books to be returned to the township treasurer who is required to register such bonds, with a certificate thereon showing the result of the election, which poll book shall be filed and kept by the treasurer, and shall be evidence of such election.

§ 201. When a school district has issued bonds, or other evidences of indebtedness, for any purposes which are binding and subsisting legal obligations, and remaining outstanding, the directors of such school district may, upon the surrender of any such bonds or other evidences of indebtedness, issue in lieu thereof, to the holders or owners of the same, or to other persons for money with which to pay the same, new bonds or other evidences of indebtedness, according to the provisions of this Act.

## COUNTY CLERK.

§ 202. Whenever the returns of an election for trustees of schools are made to the county clerk, it shall be his duty to furnish to the county superintendent of schools, within ten days after such returns have been made, the names of the trustees so returned to him, and to specify the townships in which they have been elected.

§ 203. It shall be the duty of the county clerk to furnish the directors of any school district, upon request, a certificate showing the last ascertained equalized value of taxable property of such district.

§ 204. When a school district lies partly in two or more counties, it shall be the duty of the county clerk of each county in which any

part of such district lies to furnish, upon request, to the directors of such district, a certificate showing the last ascertained equalized value of the taxable property in that part of such district lying in such county.

§ 205. It shall be the duty of the county clerk, when making out the tax books for the collector, to compute each taxable person's tax in each school district upon the total amount of taxable property as equalized by the State Board of Equalization for that year, lying and being in such district, whether belonging to residents or non-residents, and also upon each and every tract of land, the larger part of which lies in such district. Such compensation shall be made so as to realize the amount of money required to be raised in such district, as shown and set forth in the certificate of tax levy, made out by the directors of such district, and filed with the township treasurer, as required by this Act. The said county clerk shall cause each person's tax, so computed, to be set upon the tax book to be delivered to the collector for that year, in a separate column against each taxpayer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner, and at the same time, and by the same person, as State and county taxes are collected. He shall number the school districts on the maps in his office to correspond with the numbers of districts as returned to him by the county superintendent of schools, and in making up the tax books to be delivered to the collector of taxes, the county clerk shall copy into such tax books the number of the school district set opposite to each person's assessment of personal property by the assessor making the assessment of such person, and shall extend the school tax on each person's assessment of personal property, according to the rate required by the amount designated by the directors of the school district in which such person resides, as shown by the certificate of tax levy. The computation of each person's tax and the levy made by the clerk shall be final and conclusive. The rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors. The said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the county a certificate of the amount due each district or fraction of a district in his township, from the tax so levied and placed on the tax books.

§ 206. The county clerk shall record and preserve the report of the county superintendent made to the county board at the first regular term of such board in each year relating to the sale of school lands, the amount of money received, paid, loaned out and on hand, belonging to each township fund in his control, and the statement copied from the loan book of such county superintendent, showing all the facts in regard to loans which are required to be stated in the loan book.



## THE COUNTY BOARD.

§ 207. It shall be the duty of the county board of each county of the State:

*First*—To provide for the county superintendent of schools a suitable office with necessary furniture and office supplies, as is done in the case of other county officers.

*Second*—To examine and approve or reject the report of the county superintendents of schools made to such board.

*Third*—To audit at the regular meeting in September, and as near quarterly thereafter as such board may have regular or special meetings, the itemized bills of the county superintendent of schools for the expense of his office.

*Fourth*—To authorize the county superintendent of schools to employ such assistants as he needs for the full discharge of his duties, and to fix the compensation thereof, which compensation shall be paid out of the county treasury.

*Fifth*—To examine the financial statements of the county superintendent of schools required by section 11 of this Act and compare the same with vouchers, and the county board, or so many of them as may be present at the meeting of the board, shall be liable individually to the fund injured and to the securities of the county superintendent, in case judgment be recovered of the said securities, for all damages occasioned by neglect of the duties, or any of them, required of the board by this section: *Provided, however*, that nothing herein contained shall be construed to exempt the securities, but they shall remain liable to the fund injured the same as if the members of the county board were not liable to them for neglect of their duty.

§ 208. The county board of each county of this State shall have power:

*First*—To approve the bond of the county superintendent of schools, and to increase the penalty of such bond if, in the judgment of the county board such penalty should be so increased.

*Second*—To require the county superintendent of schools, after notice given, to execute a new bond, conditioned and approved as the first bond, whenever in the discretion of the county board such new bond is necessary: *Provided, however*, that the execution of such new bond shall not affect the old bond or the liability of the security thereof.

*Third*—To require the county superintendent of schools to make the reports to such board provided for by law, and to remove him from office in case of neglect or refusal so to do, or for any palpable violation of law or omission of duty.

§ 209. When the office of county superintendent of schools shall become vacant, the county board shall fill the vacancy by appointment. If by reason of a tie upon the vote to fill such vacancy, or from any other cause, the vacancy shall not be filled by the county board within thirty days of the time it occurs, it shall be the duty of the clerk of the county board to summon the county judge of the county in which the vacancy exists to meet with the county board at a time and place designated by

the clerk, of which meeting the members of the county board shall have notice; and the county board and county judge, when so notified, shall meet at the time and place designated, at which meeting the county judge shall preside, and in case of a tie he shall give the casting vote. The clerk shall notify the person so selected of his appointment.

#### SCHOOL FUND.

§ 210. The common school fund of this State shall consist, until otherwise provided by law, of the proceeds of a two-mill tax levied annually upon each dollar of the equalized assessed value of all the property in the State; the interest on the school fund proper, which fund is three per cent upon the proceeds of the sales of public lands in the State, one-sixth part excepted; and the interest on the surplus revenue distributed by Act of Congress and made part of the common school fund by Act of the Legislature, March 4, 1837. The interest on the school fund proper and the surplus revenue shall be paid by the State annually at the rate of six per cent, and shall be distributed as provided by law.

§ 211. On the first Monday in January, annually, the Auditor of Public Accounts shall apportion to each county the common school fund, in proportion to the number of persons in each county under the age of twenty-one years, as ascertained from the next preceding State or federal census, and shall issue an order upon the county collector to pay to the county superintendent of schools the amount of such order out of the first funds collected by him and not otherwise appropriated by law, and take the county superintendent's receipt for the same.

§ 212. The orders issued by the Auditor of Public Accounts for the common school fund shall be received by the State Treasurer in payment of amounts due the State from county collectors. On presentation of such orders the Auditor shall issue his warrants to the treasurer on the school fund for the amount of the school fund tax orders, and on the revenue fund for the amount of the orders for interest on the school fund proper and the surplus revenue.

§ 213. If a collector shall fail or refuse to pay the amount of an auditor's order, or any part thereof, by the first day of March, annually, or as soon thereafter as it may be presented, the county superintendent shall begin an action for debt against the collector and his securities in any court having competent jurisdiction, and unless it shall appear to the satisfaction of the court that on the first day of March, or on the day of presentation of payment thereafter, the collector had not collected funds sufficient to pay such order, interest at the rate of twelve per cent per annum upon the amount due shall be assessed as damages and included in the judgment against the collector.

§ 214. On or before the 30th day of September of each year the county collectors, county superintendents of schools, township collectors, and all other persons paying money into the hands of school treasurers

for school purposes, shall notify in writing the presidents of school trustees and the clerks of school directors of the amount paid into the treasurer's hands and the date of payment.

§ 215. The county superintendent of schools shall apportion and distribute, under rules and regulations prescribed by the Superintendent of Public Instruction, the principal of the county fund to the townships and parts of townships in his county, according to the number of persons under 21 years of age returned to him. The principal of the county fund so distributed shall be added to the principal of the township fund of the townships and parts of townships in his county. The interest, rents, issues and profits, arising and accruing from the principal of the county fund shall be distributed to the townships and parts of townships in his county, as required by the provisions of this Act.

§ 216. All bonds, notes, mortgages, moneys and effects which have accrued or may accrue from the sale of the sixteenth section of the common school lands of any township, or from the sale of any real estate or other property taken on any judgment or for any debt due to the principal of any township fund, and all other funds of every description which have been or may be carried to and made part of the principal of any township fund, shall forever constitute the principal of the township fund; and no part thereof shall ever be distributed or expended for any purpose whatever, but shall be loaned and held to use, rent or profit, as provided by law. The interest, rents, issues and profits arising and accruing from the principal of any township fund shall be distributed in the manner and at the times provided by this Act; nor shall any part of such interest, rents, issues and profits be carried to the principal of any township fund, unless it shall appear on the first Monday in October in any year that there is rent, interest, issues, profits or other funds not required for distribution. In such case the amount not required for distribution may, in the discretion of the trustees of schools, be added to the principal of the township fund and loaned as such.

#### SCHOOL LANDS.

§ 217. Section sixteen in every township, and the sections and parts of sections granted in lieu of all or part of such section, and also the lands granted for the use of schools to the inhabitants of fractional townships in which there is no section sixteen, or in case such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this Act referring to common school lands shall be deemed to apply to them.

§ 218. All the business of a township, relating to common school lands shall be transacted in the county which contains all or the greater portion of such lands.

§ 219. The trustees of schools in townships in which section sixteen, or other lands granted in lieu thereof, remain unsold, or which has title to any other school lands whatsoever, may rent or lease the same for an

annual rent to be paid in money. The contract made by the president and clerk, under the direction of the trustees of schools, with the lessee or lessees, for the rent or lease of such lands, shall be in writing and shall be filed with the records of the board, and a copy transmitted to the county superintendent. In case of default in the payment of the rent, the trustees shall at once proceed to collect the same by distress, or otherwise, as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this Act shall be for a longer period than five years, except when such lands are leased for the purpose of having permanent improvements made thereon, as in cities and villages. The provisions of this section shall not apply to cities having a population of over one hundred thousand inhabitants.

§ 220. The trustees of schools of any township are hereby authorized to sell and convey to any railroad company a right of way across any school lands of such township, and necessary depot grounds.

§ 221. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars, which penalty shall be recovered with costs of suit, by an action of debt or assumpsit, before any justice of the peace, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by *qui tam* action in the name of any person who will first sue for the same. One-half of the judgment secured in such action shall go to the person suing and the other half to the township. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed.

§ 222. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, shall be fined three times the amount of the injury occasioned by the trespass, and shall stand committed as in other cases of misdemeanor.

§ 223. All penalties and fines collected under the provisions of the two preceding sections shall be paid to the township treasurer and be added to the principal of the township fund.

§ 224. When the inhabitants of any township shall desire the sale of the common school lands of such township, they shall present to the county superintendent of the county in which the school lands of the township or the greater part thereof lie, a petition for their sale. Such petition shall be signed by at least two-thirds of the legal voters of the township. The petition must be signed in the presence of at least two adult citizens of the township, after the true meaning and purpose thereof have been explained; and an affidavit must be affixed thereto by the two citizens witnessing the signing, which affidavit shall state the number of inhabitants in the township 21 years of age and over, and the petition so verified shall be delivered to the county superintendent for his action thereon. In townships having a population of more than 10,000 inhabitants, such petition shall be signed by at least one-tenth

of the legal voters of the township, and delivered to the county superintendent at least fifteen days preceding the regular election of trustees, or the date of a special election which may be called for such purpose; and thereupon it shall be the duty of the county superintendent to notify the voters of such township that an election for or against the proposition to sell common school lands of the township, or a portion thereof, will be held at the next regular election of trustees, or at a special election called for that purpose, by posting notices of such election in at least ten of the most public places throughout such township, for at least ten days before the date of such regular election, which notice may be in the following form, to-wit:

ELECTION FOR SALE OF COMMON SCHOOL LANDS.

Notice is hereby given that on.....the..... day of....., 1...., an election will be held at..... for the purpose of voting "for" or "against" the proposition to sell common school lands of the township, to-wit: (here insert description of the lands).

The polls will be opened at.....o'clock.....m., and closed at..... o'clock.....m.

A..... B.....  
County Superintendent.

The ballots of such election shall be received and canvassed as in other elections provided for in this Act, and returns of the results thereof made to the county superintendent, and if two-thirds of the vote upon such proposition shall have been cast in favor of the sale, the county superintendent shall act thereon. No section shall be sold in any township containing fewer than 200 inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and the number of acres are in, or above, a ratio of 200 to 640, but not before.

§ 225. Any fractional township not having the requisite number of inhabitants to petition for the sale of school lands, which has not heretofore been united with any township for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached for school purposes, to the adjacent congressional township having the longest territorial line bordering on such fractional township, and all the provisions of this Act shall apply to such united townships the same as though they were one and the same township.

§ 226. When the petition and affidavits are delivered to the county superintendent, he shall notify the trustees of the township, who shall immediately divide the land into tracts or lots, of such form and quantity as will produce the largest sum of money, and cause a plat of the same to be made with each lot numbered and defined so that its boundaries may be forever ascertained.

§ 227. In subdividing common school lands, no lot shall contain more than eighty acres, and the division may be into town or village

lots, with roads, streets or alleys between them and through the same; and all such divisions are hereby declared legal and all such roads, streets and alleys, public highways.

§ 228. After the school lands have been subdivided and platted, the trustees of schools shall fix the value of each lot, certify to the correctness of the plat, stating in the certificate the value of each lot, and describing it so that it may be identified; which plat and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling such lands.

§ 229. Upon receipt of the plat and certificate of valuation the county superintendent shall advertise the sale of such land in lots, as divided and platted, by posting notice thereof in at least six public places in the county forty days before the day of sale, describing the land and stating the time, place and terms of sale. Such notice shall also be printed each week for four weeks before the day of sale in a newspaper published in the county, and shall be in the following form, to-wit:

#### NOTICE OF SALE.

Notice is hereby given that on the.....day of..... 1.... between the hours of 10:00 o'clock a. m. and 6:00 o'clock p. m., the undersigned superintendent of schools of.....county, will sell at public sale to the highest bidder, at the.....door of the court house in.....(or on the premises), the following described real estate, the same being a part of the school lands of township No.....range No.....as divided and platted by the trustees of schools of said township, to-wit: (Here insert full and complete description of said premises.) Said lands will be sold for cash in hand, with the privilege to any purchaser of borrowing from the undersigned the whole or part of the payment of his bid, for not less than one nor more than five years, upon his paying interest and giving security, as required in case of a loan obtained from the township fund.

Dated this.....day of..... 1....

A.....B.....

*County Superintendent.*

§ 230. Upon the day of sale, the county superintendent shall proceed to make sales as follows: He shall begin at the lowest numbered lot and proceed regularly to the highest numbered, until they are all sold or offered. No lot shall be sold for less than its valuation. The sale may continue from day to day. Each lot shall be sold separately, and offered long enough to enable any person present to bid who may desire to do so.

§ 231. At the close of each day's sale the purchasers shall each pay or secure the payment of the purchase money. In case of a failure to do so by 10:00 o'clock the succeeding day, the lot purchased shall again be offered at public sale, on the same terms as before. If the sale is or is not made the former purchaser shall be required to pay the difference between his bid and the valuation of the lot, and in case of

his failure to make such payment, the county superintendent may forthwith institute an action of debt or assumpsit in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit which, when collected, shall be added to the principal of the township fund.

§ 232. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and the county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they were offered at public sale.

§ 233. In all cases in which common school lands have been valued and have remained unsold for two years after having been offered for sale in conformity to this Act, the trustees of schools where such lands are situated may vacate the valuation thereof by an order to be entered in book A of the county superintendent, and cause a new valuation to be made, if in their opinion, the interests of the township will be promoted thereby. They shall make the second valuation in the same manner as the first, and shall deliver to the county superintendent a plat of the land at such second valuation, with the order of vacation, to be entered, as aforesaid; whereupon the county superintendent shall offer the land for sale, as if no former valuation had been made. The second valuation may be made by the trustees of schools without a petition.

§ 234. Upon the completion of every sale the county superintendent shall deliver to the purchaser a certificate of purchase including the name and residence of the purchaser and the price and description of the land.

§ 235. Every purchaser of common school lands shall be entitled to a patent from the State, conveying and assuring the title. Patents shall be issued by the Auditor of Public Accounts from returns made to him by the county superintendent. They shall contain a description of the land granted, and shall be in the name of and signed by the Governor, countersigned by the Auditor, with the great seal of State affixed thereto by the Secretary of State, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the Auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase, which certificate, when returned, shall be filed and preserved by the county superintendent; and all such patents so issued by the State for school lands, or duly certified copies thereof from any record legally made, shall, after a lapse of ten years from the date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

§ 236. Purchasers of common school lands, and their heirs or assigns, may obtain certified copies of certificates of purchase and patents, upon filing affidavit with the county superintendent in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have the force and effect of originals.

§ 237. The trustees of schools are hereby authorized to dedicate to public use, for street and highway purposes, as much of the unimproved common school lands as may be necessary to open or extend any street or highway which may be ordered by the municipal authorities to be opened or extended, if they shall be of the opinion that the benefit to accrue from the opening or extending of such street or highway will compensate for the strip so dedicated. It shall not be lawful for any street or other railroad to lay tracks on any strip of the common school lands so dedicated, or use the same or any part thereof for railroad or street railroad purposes, except upon the purchase or lease of the land from the proper authorities, or upon payment to the school fund of the township of the value of such use or land, the same as if no street or highway had been laid out thereon, to be determined by condemnation proceedings. This section shall not in any way affect existing leases or contracts for the lease or purchase of common school lands.

#### FINES, FORFEITURES AND PENALTIES.

§ 238. All fines, forfeitures and penalties imposed or incurred in any of the courts of record, or before any justice of the peace of the State, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the county superintendent of schools of the county wherein such fines, forfeitures or penalties have been imposed or incurred, and the county superintendent of schools shall give his receipt therefor to the person from whom such fine, forfeiture or penalty was received.

§ 239. It shall be the duty of the State's attorneys of the several counties to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record of their respective counties, and to pay the same to the county superintendent of the county wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law.

§ 240. It shall be the duty of the justices of the peace to enforce the collection of all fines, forfeitures and penalties imposed by them; and to pay the same to the county superintendent of the county in which the same were imposed.

§ 241. Clerks of courts of record, State's attorneys and all justices of the peace shall report, under oath, to the county court of their respective counties, by the first of March, annually, the amount of such fines, forfeitures and penalties imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by



them, giving each item separately; and if any such officer has collected no such fines, forfeitures or penalties he shall make affidavit to such fact, and file the same with the county superintendent. The judges of the county court shall inspect the said reports, and may hear evidence thereon, and if found correct and truthful, shall enter an order approving such report, and directing that any moneys in the hands of such officers so reporting shall be paid over to the superintendent of schools. If the court shall not approve such report, he may order another one to be made, and upon a failure to comply with the order of the court, or to make a satisfactory report, the court may state an account and enter an order to pay over, as herein provided. The court, for all purposes for carrying out the provisions of this section, shall have power to examine books and papers as provided in section 240 of this Act, and shall have power to issue subpoenas for both books and persons. No report shall be approved until the court shall have given the superintendent five days' notice of the same, and the superintendent shall be allowed to inspect the report, and may be heard by the court concerning the same. The officers charged with the collection of fines, forfeitures and penalties, the said clerks, State's attorneys and justices of the peace, for a failure to make such report, shall be liable to a fine of twenty-five dollars for each offense, such fine to be recovered in a civil action, before any court, at the suit of the county superintendent of schools of the proper county.

§ 242. For a failure to pay any fine, forfeiture or penalty, on demand, to the person who is by law authorized to receive the same, the officer or person having collected the same, or having the same in his possession or control, shall forfeit and pay double the amount of such fine, forfeiture or penalty, to be recovered before any court having jurisdiction thereof, in a *qui tam* action, one-half to be paid to the informer and one-half to the distributive fund of the proper county.

§ 243. In case any clerk of a court of record, State's attorney or justice of the peace shall fail to make the report provided for in section 238 of this Act, the county court shall have power, and it is hereby made the duty of the judge of said court, to examine all records pertaining to the office of such delinquent officer and enforce the payment of whatever sum may be found due the school fund from such delinquent officer. For the purpose of making such examination, the county court shall have the right to call for any paper or papers, docket, fee book or other record belonging to the office of such delinquent officer, and in case such delinquent officer fails or refuses to furnish such paper, docket, fee book or other record for the inspection or use of such county court, he shall forfeit the sum of one hundred dollars, to be recovered in an action of debt or assumpsit, before any court of this State having jurisdiction of the actions of debt and assumpsit, and such penalty, when collected, shall be paid into the distributive fund of the proper county.

## LIABILITY OF SCHOOL OFFICERS.

§ 244. When the county superintendent of schools of any county shall notify the trustees of schools of a township, in writing, that the notes, bonds, mortgages or other evidences of indebtedness which have been taken officially by the township treasurer, are not in proper form, or that the securities which he has taken are insufficient, it shall be the duty of the trustees to take at once such action as may be necessary to protect the property or fund of the township and the district. For a failure or refusal to take such action within twenty days after such notice, the trustees of schools, each in his individual capacity, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars to be recovered before any justice of the peace, or information in the name of the People of the State of Illinois, provided such insufficiency is proven, and, when collected, such fine shall be paid to the county superintendent of the proper county for the use of the schools. The payment of this fine shall not relieve the board of trustees from any civil liability they may have incurred from such neglect of duty.

§ 245. When a change shall be made in the boundaries of a school district, and a written statement of such change shall be delivered to the county clerk, it shall be the duty of the county clerk to file such statement and all papers relating thereto and record them. And in case of a neglect or failure to do so the said county clerk shall be liable to a penalty of twenty-five dollars, to be recovered by an action of debt, before any justice of the peace, at the suit of the county superintendent, for the benefit of the school fund of the county.

§ 246. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against any treasurer and his securities for or on account of any default of such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, action on the case may be maintained against the trustees, jointly and severally, and the amount not collected on the judgment shall be recovered with costs of suit from such trustees. If the trustees can show, satisfactorily, that the security taken from the treasurer, was, at the time it was taken, good and sufficient, they shall not be liable.

§ 247. If the trustees of schools shall fail to observe the provisions of this Act in reference to the distribution of funds and property when a new district is formed, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. When trustees have heretofore failed to make the distribution of property to districts, as provided by this Act, the district interested in such distribution may, by its directors, request the trustees in writing to make such distribution; and the trustees shall make it in the manner prescribed, and shall be liable, as herein stated, for the neglect or failure to do so.

§ 248. The clerk of any board of trustees who shall fail, neglect or refuse to perform the duties imposed upon him by this Act, within the

time or in the manner prescribed, shall, for each offense, forfeit not less than ten dollars, nor more than twenty-five dollars, of his pay as clerk of the trustees of schools and township treasurer, which forfeiture shall be enforced by the trustees.

§ 249. For a failure on the part of the treasurer, clerk of any board of directors, or any director, to comply with any of the requirements of this Act, he shall be liable to a penalty of not less than five dollars nor more than fifty dollars, to be recovered before any justice of the peace of the county in which the offense is committed.

§ 250. For any failure or refusal to perform all the duties required of the township treasurer by law, he shall be liable to the trustees of schools, upon his official bond, for all damages sustained, to be recovered by action of debt by the trustees for the use of the township, before any court having jurisdiction of the amount of damages claimed; but if the treasurer, in any failure or refusal, acted under and in conformity to a requisition or order of the trustees of schools, or a majority of them, entered upon their journal and subscribed by their president and clerk, then, and in that case, the trustees of schools or those voting for such requisition or order, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township for such damages, to be recovered by an action of assumpsit in the official name of the county superintendent of schools, for the use of the townships: *Provided, however,* that the township treasurer shall be liable for any part of the judgment obtained against the trustees of schools which cannot be collected on account of their insolvency.

§ 251. If judgment shall be obtained against any trustee of schools or directors, the party entitled to the benefit of such judgment may have execution therefor as follows: The court in which such judgment shall be obtained, or to which such judgment may be removed by transcript or appeal from a justice of the peace, or other court, shall issue a writ commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of such judgment, out of any moneys of such township or district unappropriated, or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by mandamus, requiring such board to levy a tax for the payment of such judgment; and all legal processes, as well as writs to enforce payment, shall be served either on the president or the clerk of the board.

§ 252. Trustees of schools, or either of them, failing or refusing to make returns of children in their township according to the provisions of this Act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by an action of assumpsit before any justice of the peace of the county; which penalty, when collected, shall be added to the distributive fund of the township in which the trustees reside.

§ 253. If the judges of a school election called for any legal purpose shall fail or neglect to deliver a copy of the poll book of any such election, with a certificate thereon showing the results of such election, to the officer to whom such return shall be made, within ten days after such election, they shall be severally liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in the name of the People of the State of Illinois, by an action of debt before any justice of the peace of the county. The penalty, when collected, shall be added to the distributive fund of the township.

§ 254. If the school directors of any district in this State shall fail to examine and deliver to the township treasurer on or before the seventh day of July, annually, all teachers' schedules made and certified as required by law, and covering the time taught during the school year ending June 30, they shall be personally liable to the district for any and all loss sustained by it through their failure to do so.

§ 255. Any director who shall be interested in a contract made by the board of which he is a member shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five dollars and not more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 256. For any failure to comply with the requisitions of section 97 of this Act, the treasurer or other person neglecting or refusing shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt before any justice of the peace, for the benefit of the distributive fund of such township: *Provided, however,* that the obtaining or payment of such judgment shall in no wise discharge or diminish the obligations of the persons signing the official bond of such township treasurer.

§ 257. If any county superintendent, trustee of schools, township treasurer, director or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any part thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in a sum not less than double the amount of money converted to his own use, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 258. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against such superintendents, treasurers and other school officers as such from the date of issuing process against them, in actions or suits brought to recover such claims or demands until satisfaction thereof be obtained; and no sale or alienation of real estate, by any superintendent, treasurer or other officer or security, shall defeat the lien created by this

section, but all and singular such real estate held, owned or claimed, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 259. If any county superintendent, trustee, director, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish or communicate statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this Act, he shall be liable to a fine of not less than twenty-five dollars, to be recovered before any justice of the peace at the suit of any person, on information in the name of the People of the State of Illinois, and when collected, the fine shall be paid to the county superintendent of schools.

§ 260. No state, county, township or district school officer, or teacher shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State with which such officer or teacher may be connected; and for offending against the provisions of this section such State, county, township or district school officer or teacher shall be liable to indictment, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 261. Any school officer or officers, or any other person, who shall exclude or aid in excluding from the public schools, on account of color, any child who is entitled to the benefits of such school, shall be fined, upon conviction, not less than five nor more than one hundred dollars.

§ 262. Any person who shall, by threats, menace or intimidation, prevent any colored child entitled to attend a public school in this State from attending such school shall upon conviction, be fined not exceeding twenty-five dollars.

§ 263. No county, city, town, township, school district or other public corporation shall make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money, or other personal property, be made by any such corporation to any church or for any sectarian purpose. Any officer, or other person having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section shall be liable to indictment, and upon conviction, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 264. County superintendents, trustees of schools, township treasurers and directors, or either of them, or any other officer having charge of school funds or property, shall be pecuniarily responsible for all losses sustained by any county or township fund, by reason of any failure on his or their part to perform the duties required of him or them by the provisions of this Act, or by any rule or regulation authorized to be made

by the provisions of this Act, and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount of such loss may be recovered in a civil action brought in any court having jurisdiction thereof, at the suit of the State of Illinois, for the use of the county, township or fund injured; the amount of the judgment obtained in such suit shall, when collected, be paid to the proper officer for the benefit of the county, township or fund injured.

#### MISCELLANEOUS.

§ 265. All school officers elected in pursuance of any general law now in force shall hold their respective offices until their successors are elected and qualified under the provisions of this Act.

§ 266. Trustees of schools, school directors or other school officers performing like duties, shall receive no pecuniary compensation, but they shall be exempt from road labor and military duty during their term of office.

§ 267. No justice of the peace, constable, clerk of any court, sheriff or coroner shall charge any costs in any suit in which any school officer, school corporation or any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff and shall be unsuccessful in such suit; nor in case the costs cannot be recovered from the defendant by reason of the insolvency of such defendant.

§ 268. No person shall vote at any school election held under the provisions of this Act who does not possess the qualifications of a voter at a general election.

§ 269. Any woman who has attained the age of twenty-one years, and who possesses the qualifications prescribed, shall be eligible to any office under the general or special school laws of this State.

§ 270. Any woman who is a citizen and has attained to the age of 21 years, who shall have resided in the State one year, in the county ninety days and in the election district thirty days preceding any election held for the purpose of choosing any school officer under the general or special school laws of this State, shall be entitled to vote at such election, when registered in the manner provided by law. If the election of school officers shall occur at the time other public officers are elected, the ballot offered by any woman shall contain only the names of candidates for school officers. Such ballots shall be deposited in a separate ballot box, but canvassed with other ballots cast for school officers at such election.

§ 271. The Governor shall, annually, in the spring, designate by official proclamation, a day or days to be known as "Arbor and Bird day," to be observed throughout the State as a day for planting trees, shrubs and vines about the homes and along highways, and about public grounds within this State, and as a day on which to hold appropriate exercises in the public schools and elsewhere, tending to show the value of trees and birds and the necessity for their protection.

§ 272. The proceedings of the State Teachers' Association, when approved by the Superintendent of Public Instruction, shall be printed

and bound by the Secretary of State, on the same terms as the proceedings of State boards, and the Auditor of Public Accounts shall draw his warrant therefor on the State Treasurer to be paid out of the appropriation for printing, upon a voucher properly certified by the Board of Commissioners of State Contracts.

§ 273. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches, in all schools under State control, or supported wholly or in part by public money, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools, below the second year of the high school and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year from suitable text books in the hands of all pupils, for not less than four lessons a week for ten or more weeks of each year, and must pass the same tests in this as in other studies. In all schools above mentioned all pupils in the lowest three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three lessons a week for ten weeks in each year, by teachers using text books adapted for such oral instruction as a guide and standard. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study. The text books in the pupils' hands shall be graded to the capacity of the fourth year, intermediate, grammar and high school pupils, or to corresponding classes as found in ungraded schools. For students below high school grade such text books shall give at least one-fifth their space, and for students of high school grade shall give not less than twenty pages, to the nature and effects of alcoholic drinks and other narcotics. The pages on this subject, in a separate chapter at the end of the book, shall not be counted in determining the minimum. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best methods of teaching it. Any school officer or officers who shall neglect or fail to comply with the provisions of this section shall forfeit and pay for each offense the sum of not less than five dollars nor more than twenty-five dollars.

§ 274. Every person having control of any child between the ages of seven and sixteen years, shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which shall not be less than six months of actual teaching: *Provided, however,* that this Act shall not apply in case the child has been or is being instructed for a like period in each and every year in the elementary branches of education by a person or persons competent to give such instruction, or in case the child's physical or mental condition renders his or her attendance impracticable or inexpedient, or in case the child is excused for temporary absence for cause

by the principal or teacher of the school which said child attends, or in case the child is between the ages of fourteen and sixteen years and is necessarily and lawfully employed during the hours when the public school is in session. For every neglect of the duty prescribed by this section, the person so offending shall forfeit to the use of the public schools of the city, town or district in which such child resides, a sum not less than five dollars nor more than twenty dollars and costs of suit, and shall stand committed until such fine and costs of suit are fully paid.

§ 275. The board of education or the board of school directors, as the case may be, shall appoint at the time of election of teachers one or more truant officers whose duty it shall be to report all violations of the preceding section to the board of education or board of directors and to enter complaint against and prosecute all persons who shall appear to be guilty of such violation. It shall also be the duty of the truant officer to arrest any child of school going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher having charge of any school which said child is by law entitled to attend, and which school shall be designated to said officer by the parent, guardian or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant officer shall place such child in charge of the teacher of the public school. And it shall be the duty of said teacher to assign said child to the proper class and to instruct him or her in such studies as he or she is fitted to pursue. The truant officer so appointed shall be entitled to such compensation for services rendered under this Act as shall be determined by the board appointing him, which compensation shall be paid from the distributive fund of the district: *Provided, however,* that nothing herein shall prevent the parent, guardian or person having charge of such truant child, which has been placed in any school by the truant officer, to send said child to any other school which said child is by law entitled to attend. Any person having control of a child, who, with intent to evade the provisions of this section, shall make a false statement concerning the age or the employment of such child or the time such child has attended school, shall for such offense forfeit a sum of not less than three dollars nor more than twenty dollars for the use of the public schools of the district.

§ 276. This Act shall not be construed so as to repeal or change, in any respect, any special Act in relation to schools in cities having a population of fewer than 100,000 inhabitants, or cities, townships or districts, except that in every such city, township or district the limit of taxation for educational and building purposes shall be the same as that fixed in section 189 of this Act; and except that it shall be the duty of the several boards of education or other officers of any city, township or district, having in charge schools under the provisions of any special Act or Acts, on or before the 15th day of July preceding each session



of the General Assembly of this State, or annually, if required so to do by the Superintendent of Public Instruction, to report statistics and other information relating to schools, and the enumeration of persons as required of trustees of schools or directors, under the provisions of this Act, or so much thereof as may be applicable to such city, township or district, to the county superintendent of the county in which such city, township or district is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any city, township or district, unless a report of the number of persons, and other statistics relating to schools, and such other information as may be required by the trustees of schools or school directors, and other school officers and teachers, under the provisions of this Act, shall have been filed with the superintendent of the proper county.

#### REPEAL AND EMERGENCY.

§ 277. An Act to establish and maintain a system of free schools, approved May 21, 1889, as amended, is hereby repealed.

§ 278. WHEREAS, An emergency exists, this Act shall take effect from and after its passage.

APPROVED June 12, 1909.

#### MORAL AND HUMANE EDUCATION.

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|--------------------------------|------------------------------------|
| § 1. Duties of teachers.       | § 4. Programs for annual meetings. |
| § 2. Time devoted.             | § 5. Reports—penalty.              |
| § 3. Experiments upon animals. |                                    |

(HOUSE BILL No. 21. APPROVED JUNE 14, 1909.)

*AN ACT to provide for moral and humane education in the public schools and to prohibit certain practices inimical thereto.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be the duty of every teacher of a public school in this State to teach to the pupils thereof honesty, kindness, justice and moral courage for the purpose of lessening crime and raising the standard of good citizenship.

§ 2. In every public school within this State not less than one-half hour of each week, during the whole of each term of school, shall be devoted to teaching the pupils thereof kindness and justice to and humane treatment and protection of birds and animals, and the important part they fulfill in the economy of nature. It shall be optional with each teacher whether it shall be a consecutive half-hour or a few minutes daily, or whether such teaching shall be through humane reading, daily incidents, stories, personal example or in connection with nature-study.

§ 3. No experiment upon any living creature for the purpose of demonstration in any study shall be made in any public school of this State. No animal provided by, nor killed in the presence of any pupil of a public school, shall be used for dissection in such school, and in

no case shall dogs or cats be killed for such purposes. Dissection of dead animals, or any parts thereof, shall be confined to the class room and shall not be practiced in the presence of any pupil not engaged in the study to be illustrated thereby.

§ 4. The Superintendent of Public Instruction of this State and the committee in charge of preparing the program for each annual meeting of the Illinois State Teachers' Association shall include therein moral and humane education. The superintendent of schools of each county and of each city shall include once each year moral and humane education in the program of the teachers' institute which is held under his or her supervision.

§ 5. The principal or teacher of each public school shall state briefly in each of his or her monthly reports whether the provisions of this Act have been complied with in the school under his or her control. No teacher who knowingly violates any provision of sections 1, 2 or 3 of this Act shall be entitled to receive more than 95 per cent of the public school moneys that would otherwise be due for services for the month in which such provision shall be violated. This Act shall apply to common schools only and shall not be construed as requiring religious or sectarian teaching.

APPROVED June 14, 1909.

#### TEXT BOOKS.

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| § 1. Official samples and prices —<br>filing fee.                                       | § 6. Advertising for bids—contracts.         |
| § 2. Publisher's sworn statement.   | § 7. Terms and conditions of con-<br>tracts. |
| § 3. Bond and license of publisher<br>—violations.                                      | § 8. Excessive prices—penalty.               |
| § 4. Pools—bribery—revocation of<br>license.  | § 9. Change of books—when made.              |
| § 5. List of accredited books, etc.,<br>furnished to school authorities<br>—bids—bonds. | § 10. Contracts for change of books.         |

(SENATE BILL NO. 272. FILED JUNE 16, 1909.)

*AN ACT in relation to the adoption, use and price of public school text books in the free public schools of this State.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the publisher of any text book who desires to offer the same for sale for use in the public schools of this State shall file two official sample copies of said text book in the office of the Superintendent of Public Instruction, together with the list price and the wholesale and retail prices at which the said text book is to be offered for sale in this State. The said publisher shall also file with the Superintendent of Public Instruction a written agreement to furnish said text book at the wholesale price so filed to the directors of any public school district, or to any board of education, or to any merchant, or dealer, and at the retail price so filed to any patron of the public schools; the said written agreement shall contain the further guarantee that all books offered for sale and sold in this State shall

correspond to the official sample copies deposited with the Superintendent of Public Instruction, and shall be equal in quality to said official sample copies as regards text, paper, binding, printing, illustration and all other points affecting the educational and commercial value of said text books. For every text book deposited with the Superintendent of Public Instruction, the publisher shall pay to the State treasury a fee of \$10.00, to constitute a fund to be used by the Superintendent of Public Instruction to defray the expenses of printing and distributing lists of accredited text books and information relating thereto, and for other expenses incident to the filing and listing of text books, and the licensing of publishers, as hereinafter provided: *Provided, always*, that the Superintendent of Public Instruction shall not in any case license any publisher, and no directors of any school district or any board of education shall contract with any publisher or publishers for the furnishing of any public school text book or text books which shall be sold at retail prices to patrons, for use in the public schools of this State, at a price or prices above, or in excess of, the following prices, which shall include all charges whatsoever:

Primer .....	fifteen	(15)	cents
First reader .....	fifteen	(15)	cents
Second reader .....	twenty	(20)	cents
Third reader .....	twenty-five	(25)	cents
Fourth reader .....	thirty	(30)	cents
Fifth reader .....	thirty-five	(35)	cents
Spelling book .....	fifteen	(15)	cents
Elementary arithmetic .....	thirty	(30)	cents
Complete arithmetic .....	forty-five	(45)	cents
Elementary geography .....	thirty-five	(35)	cents
Complete geography .....	seventy-five	(75)	cents
Elementary English grammar .....	twenty-five	(25)	cents
Complete English grammar .....	forty	(40)	cents
Elementary physiology .....	thirty	(30)	cents
Complete physiology .....	fifty	(50)	cents
Elementary United States history .....	forty	(40)	cents
Complete United States history .....	seventy	(70)	cents
Physical geography .....	eighty	(80)	cents
Copy book .....	five	(5)	cents
Civics book .....	fifty	(50)	cents

§ 2. At the time of the filing by the publisher of the official sample copies, prices, agreements and statements provided for in the preceding section, the said publisher shall file at the office of the Superintendent of Public Instruction a sworn statement to the effect that he has no understanding, agreement or arrangement of any kind whatsoever with any other publisher, or any interest in the business of any other publisher, with the effect, design, or intent to control the prices of school text books, or to restrict competition in the adoption or sale thereof in this State. Before having the authority to sell text books in this State the publishers thereof shall file at the office of the Superintendent of

Public Instruction a sworn statement showing the ownership of said publishing house, with the interest, names and addresses of all owners or persons interested therein, and specifically stating whether said publisher, or the owner of any interest or share or the recipient of any of the profits of such publishing house is the owner of any interest or share in or the recipient of any profits of any other publishing house, and if so, giving the name and address thereof.

§ 3. When any school text book has been deposited with the Superintendent of Public Instruction, the fee paid, the agreement made, and the other provisions of this Act complied with, said publisher shall file with the Superintendent of Public Instruction a bond in the penal sum of five thousand dollars (\$5,000), guaranteeing a compliance with the agreement filed with said text book, and the payment of any damages which may accrue on the violation thereof, and the Superintendent of Public Instruction shall thereupon cause the said text book to be entered upon the list of public school text books permitted to be used in the public schools of the State, and the Superintendent of Public Instruction shall further issue a license to the said publisher to sell said text book for use in the public schools of this State. If in any case the said publisher shall violate in any particular the agreement so filed with the said text book, or shall furnish books inferior in quality to the sample deposited with the Superintendent of Public Instruction, or shall demand, charge or accept higher prices than the prices agreed upon, said publisher shall be liable for each such act to a penalty in the sum of \$2,000, to be recovered in a suit on said bond brought by the Attorney General in the name of the State.

§ 4. If at any time any publisher of school text books shall enter into any pool, understanding, agreement or combination to control the prices, or restrict competition in the adoption or sale of public school text books in this State, or if the statements required of and made by said publisher are untrue in any matter, or if said publisher, or his agent, or representative shall give, or offer to give directly or indirectly, to any public school officer, or teacher, any money, gift, property, position, remunerative work, or favor of any kind whatsoever to induce the adoption or purchase of the public school text books of said publisher, or to bring about the rejection of the school text books of another publisher, then his license shall be revoked by the Superintendent of Public Instruction, and his school text books omitted from the list of licensed school text books, and all contracts with said publisher may be nullified at the option of the other parties thereto.

§ 5. The Superintendent of Public Instruction shall during the month of February each year furnish each county superintendent of schools and each board of school directors and board of education in the State a list of the publishers who have conformed to the requirements of this Act, with a list and description of the school text books which have been accredited, with the list prices, and the wholesale and retail prices of said books. Before entering into any contract with any board of education or board of directors, the publishers shall furnish the county superintendent of schools and the secretary of the board of edu-

cation or board of directors in whose jurisdiction the contract is sought with a duplicate printed list of the school text books filed by him with the Superintendent of Public Instruction, together with the list prices and the lowest wholesale and retail prices shown on the statement filed therewith, with samples of the school text books in said list referred to and said lists and samples shall be preserved as a part of the records of the secretary of the said board of education or board of directors, together with the bid of the publisher, to be delivered by the secretary to his successor, and shall be kept in such safe and convenient manner as to be at all times open to the inspection of school officers, school teachers, and school patrons who may desire to examine the same, or to compare them with others. The board of education or board of directors may require any person or persons with whom they may contract for furnishing text books to enter into a good and sufficient bond, in such sum and under such conditions and sureties as may be required by such board, for the faithful performance of any such contract.

§ 6. Before adopting for use in the public schools under their respective jurisdictions any school text books under the provisions of this Act, it shall be the duty of each board of education or board of directors to advertise for bids by publishing a notice once a week for three consecutive weeks in one or more newspapers of general circulation published in the city or district; said notice shall state the time up to which said bids will be received, the time at which they will be opened, which must be at an open meeting of the board of education or board of directors; said notice shall also state the classes and grades for which the text books are to be bought, and the approximate quantity needed; and the said board shall award the contract for said text books to any responsible bidder or bidders offering suitable licensed text books at the lowest prices, taking into consideration the quality of the material used, illustrations, binding, printing, authorship, and all other things that go to make up a desirable text book: *Provided*, that the said board may reject any and all bids, or any part thereof, and re-advertise therefor, as above provided.

§ 7. It shall be a part of the terms and conditions of every contract made in pursuance of this Act that the State of Illinois, or any board of education or directors, shall not be liable to any contractor hereunder for any sum whatever; but all such contractors shall receive their compensation solely and exclusively from the proceeds of the sale of the books, as provided by this Act.

§ 8. Any publisher, merchant, dealer or other person or persons who shall directly or indirectly demand or receive any money for any school text book or books in excess of the prices for such book or books filed with the Superintendent of Public Instruction, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than five hundred dollars, to which may be added imprisonment in the county jail for a term not exceeding sixty days.

§ 9. Text books shall not be changed more often than once in five years. Text books shall not be changed in the middle of a school year, but all changes shall go into effect at the beginning of the first term of school after the summer vacation.

§ 10. If [in] the adoption of school text books, it shall be the duty of the board of education or the board of directors to take into consideration the text books then in use in the public schools in their respective districts, and in making contracts for a change of books they shall require publishers or contractors to take up in part exchange the books then in use for at least fifty per cent of the original price paid by the pupil for the books.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

## STATE ENTOMOLOGIST.

### SAN JOSE SCALE AND OTHER DANGEROUS INSECTS.

§ 1. Amends sections 2, 3 and 5, Act of 1907.

§ 2. What declared nuisance — inspection of property, etc. — free access — notice — cost of abatement — appeal, etc.

§ 3. Shipping trees, shrubs, etc.—label — certificate of inspector—report to State Entomologist.

§ 5. Penalties—prosecutions.

(SENATE BILL NO. 225. APPROVED JUNE 3, 1909.)

AN ACT to amend sections 2, 3 and 5 of an Act entitled, "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named," filed June 4, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3 and 5 of an Act entitled, "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named," filed June 4, 1907, in force July 1, 1907, be amended to read as follows:

§ 2. That all gardeners, horticulturists, nurserymen, superintendents of public parks, and other growers of or dealers in plants of any kind upon their own lands, upon leased lands or premises, or upon public parks or highways shall free and keep freed all plants, shrubs, trees, vines, cuttings, scions, buds, stocks or other plant parts grown, cultivated, or dealt in by them, from all injurious insects and fungus pests, which are liable to spread from the plants or premises infested to other plants on the public highways or upon lands belonging to other owners, and all plants, shrubs, trees, or parts of such so infested are hereby declared to be a nuisance to be abated as hereinafter prescribed; and their main-

tenance, after notice as hereinafter set forth, is hereby declared a misdemeanor punishable as provided in section 5 of this Act. If the State Entomologist shall have reason to suppose that any nursery, orchard, fruit plantation, or other property or place in this State, is infested by dangerous insects or infected with contagious plant disease, he shall have power to inspect or to cause to be inspected, from time to time, such nursery, orchard, fruit plantation, or other property, and for the purposes of such inspection he and his assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse, or other building or place used for the growing, storage, packing or sale of trees, plants or fruits; and if the State Entomologist shall find, by inspection as aforesaid, that any person, firm, or corporation is maintaining a nuisance as described in this section, he shall notify in writing the owner or occupant of the premises containing the nuisance so disclosed of the fact that such nuisance exists. He shall include in such notice a statement of the conditions constituting such nuisance, an order that the same be abated within a specified time, and a direction, written or printed, pointing out the methods which should be taken to abate the same. Such notice or order may be served personally, or by depositing the same in the post office, properly stamped, addressed to the owner or occupant of the land or premises upon which such nuisance exists, and the direction for treatment may consist of a printed circular, bulletin, or report of the State Entomologist or of the Agricultural Experiment Station, or an extract from the same. If the person so notified shall refuse or fail to abate said nuisance in the manner and within the time prescribed in said notice, the State Entomologist may cause such nuisance to be abated, and he shall certify to the owner or person in charge of the premises the cost of abatement, and if not paid to him within sixty days thereafter the same may be recovered, together with the cost of action, before any court in the State having competent jurisdiction. In case the notice and order served as aforesaid shall direct that any growing plant, shrub, or tree, shall be destroyed, and the owner or grower of such plant, shrub, or tree, shall consider himself aggrieved by such order, he shall have the privilege of appeal, within three days of the receipt of the notice, to the county court of the county in which said property is situated. The appeal shall be made in like manner as appeals are taken to the county court from the judgments of justices of the peace. Written notice of such appeal served by mail upon the State Entomologist shall operate to stay all proceedings until the decision of the county court, who may, after investigating the matter, reverse, modify, or confirm the order of the State Entomologist. Such decision shall then become the order of the State Entomologist, who shall serve the same as hereinbefore set forth, and shall fix a time within which such decision must be carried out. Any person, firm, or corporation failing to obey an order of the State Entomologist, made and served as prescribed in this section, within the period of time therein specified, shall be deemed guilty of a misdemeanor and liable to punishment as prescribed in section 5 of this Act.

§ 3. Whenever any trees, shrubs, plants or vines are shipped from place to place in this State, or shipped into this State from another state, country or province, every car, box, bale, bundle, package or piece thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, and a certificate signed by a state or government inspector showing that the contents have been inspected by such inspector, or by his authority since the first day of July last preceding, and that the trees, vines, shrubs, and plants, there present and therein contained, appear free from all dangerous insects and diseases. Whenever any trees, shrubs, vines, or plants arrive in this State without such certificate plainly fixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the State Entomologist by the railroad, express or steamboat company, or other person or persons carrying the same, and it shall be unlawful to deliver any such property until it has been inspected by the State Entomologist or his assistant and by him certified to be free from dangerous insects or contagious diseases. Any person receiving nursery stock brought into this State from outside this State, and not accompanied by a valid certificate as above prescribed, shall at once notify the State Entomologist of that fact, and shall not allow such uncertified stock to leave his possession until it has been inspected and released by the State Entomologist or his assistant. Any agent of any railroad, steamboat or express company or any other person or persons carrying such property as aforesaid, or any consignee of such property, who shall fail to give notice to the State Entomologist as above required shall be deemed guilty of a violation of this Act, and subject to the penalties prescribed in section 5.

§ 5. Any person who shall violate the provisions of this Act with reference to the sale, shipment, delivery, receipt, or transportation of nursery stock, or with reference to the use, alteration, or defacement of a certificate of inspection relating to the same, or who shall remove, without the written permission of the State Entomologist, infested or infected property concerning whose condition he has received official notice from the Entomologist, or who shall maintain a nuisance as described in section 2 of this Act, after notice by the State Entomologist and direction for its abatement, or who shall offer any hindrance or resistance to the carrying out of this Act, shall be adjudged guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than twenty-five dollars and not more than one hundred dollars for each and every offense, together with all costs of the procedure, and shall stand committed until the same is paid. It shall be the duty of the State Entomologist to furnish to the State's attorney all information in his possession concerning violations of this Act, and the State's attorney shall prosecute such violations of this Act, and amounts so recovered shall be paid into the treasury of the State.

APPROVED June 3, 1909.



## STATE FOOD COMMISSIONER.

## DAIRY AND FOOD PRODUCTS—STANDARD OF PURITY AND STRENGTH.

§ 1. Amends section 39, Act of 1907.

§ 39. As amended, eliminates condensed milk and evaporated milk.

(SENATE BILL NO. 442. APPROVED JUNE 14, 1909.)

AN ACT amending section 39 of an Act entitled, "An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties, and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Section 39 of an Act entitled, "An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

§ 39. STANDARD OF PURITY AND STRENGTH.] In the enforcement of this Act, and in the construction thereof, the following named articles of food stuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively.

*Milk* shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

*Cream* shall not contain less than eighteen (18) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

*Honey* is lævo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fibre.

*Black Pepper* shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper

starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.

*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

*Olive Oil* has a refractive index (25°C) not less than one hundred and forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten thousandths (1.4680), and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20°C).

*Cider Vinegar* shall contain not less than one and six-tenths (1.6) grams of apple solids and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20°C).

*Wine Vinegar* shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20°C).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20°C) not less than two (2) grams of solids and not less than two-tenths (0.2) grams of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standards adopted and promulgated from time to time by the State Food Standard Commission: *Provided*, such standards for any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act.

*Provided*, that nothing in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

APPROVED June 14, 1909.

## STATE LANDS.

## SALE OF KASKASKIA COMMONS.

## Preamble.

- § 1. Appointment of commissioners—powers.
- § 2. Vacancy.
- § 3. Duties of commissioners—trustees of commons to deliver records, funds, etc.—penalty.
- § 4. Re-survey—map.
- § 5. Appraisalment—report—lessees.
- § 6. Purchase by lessees.
- § 7. Sale at public vendue.
- § 8. Rents—rebates.
- § 9. Title deeds—notes and mortgages.

- § 10. Public buildings.
- § 11. Record of Acts and sales—report to Governor.
- § 12. Final report.
- § 13. Investment of funds for support of schools.
- § 14. Apportionment of income.
- § 15. Annual report of commissioners—bond—compensation—employes.
- § 16. Legal counsel.
- § 17. Repeal.

(SENATE BILL NO. 159. FILED JUNE 16, 1909.)

AN ACT to provide for the sale of the Kaskaskia commons, upon the island of Kaskaskia, in the county of Randolph, and to create a permanent school fund for the inhabitants of said island out of the proceeds of said sale, and to punish any person failing to comply with the provisions thereof.

WHEREAS, The inhabitants of the island of Kaskaskia, in the county of Randolph, are in common entitled to the use and benefit of certain lands commonly known as the Kaskaskia commons, consisting of about 6,500 acres, by virtue of an ancient grant recognized and confirmed by the government of the United States and the State of Illinois; and,

WHEREAS, The right to sell or lease said lands, or any part thereof, was granted by the Constitution of Illinois of 1848 to a majority of the qualified voters therein; and,

WHEREAS, Pursuant to said right, a majority of the qualified voters of Kaskaskia did petition the General Assembly of Illinois for permission to lease said lands, whereupon the General Assembly of Illinois passed an Act which was approved Jan. 23, 1851, granting said privilege for school and other purposes as therein specified; and,

WHEREAS, The said lands, pursuant to said Act of 1851, have been leased in separate subdivisions at different times for a period of fifty years; and,

WHEREAS, It appears, from a petition now presented to the General Assembly of Illinois by a majority of the legal voters of said island, that a large portion of the funds secured by the said leasing, and intended for school purposes, have been misused and misappropriated by the trustees entrusted with the care thereof; and,

WHEREAS, It also appears from said petition that the school system provided by the Act of 1851 for the said island, is now wholly inadequate and inefficient for the inhabitants of said island and that the common schools of said island are in need of said funds; and,

WHEREAS, There is no general law in this State, nor can one be enacted, applicable to the case because there is no other such a grant of commons within the State nor any other community so situated; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That upon the passage of this Act the Governor of the State of Illinois shall appoint three land commissioners not more than two of whom shall be from the same political party, for the commons of Kaskaskia to be known as and by the name and style of "Land Commissioners of the Commons of Kaskaskia," and by that name they and their successors shall have perpetual succession and existence with power to contract and to be contracted with, with power to sue and be sued, to plead and be impleaded, in all actions at law or in equity in any court of competent jurisdiction, and to do and perform all other acts necessary for the proper exercise of the powers herein conferred, not inconsistent with the Constitution and the laws of this State or of the United States, until the object and purposes of this Act, as hereinafter specified, are fully completed and carried out as herein directed.

§ 2. Any vacancy occurring in the office of the said land commissioners by death, removal, resignation or otherwise, shall be filled from time to time by appointment by the Governor of Illinois: *Provided*, that if any one appointed should vacate said office by death or otherwise before its object and purposes are fully carried out by him, he shall only have such portion of the compensation herein provided for as the Governor of the State may determine.

§ 3. The said land commissioners shall immediately, after this Act becomes a law and they have qualified as herein provided, proceed at once to take possession of all books, papers, vouchers, leases, contracts, deeds, property, real or personal, and all other papers or property of every description and anything pertaining to the commons of Kaskaskia from the present "Presidents and Trustees of the Commons of Kaskaskia," or any one else having possession of the same, and shall take possession of all moneys in the possession of the said "President and Trustees of the Commons of Kaskaskia," or any of the officers of said commons, or any other persons belonging to the said common fund, or which in any way are proceeds which have been derived from the leasing of said commons, no matter where they may be found, and shall proceed, and is hereby authorized to sue for and recover any and all of such common funds that may have been misappropriated by any of the trustees or officers of said Commons of Kaskaskia, or any other person or persons, in any court of competent jurisdiction, and to proceed against them, either personally or upon their official bond, and to make any settlement or compromise of any disputes arising over said property, in court or otherwise, provided they deem it best or expedient to enhance said funds, and any trustee or officer now or hereafter in office, or heretofore having held any office in connection with said commons, who shall have any of the books, papers, and other property aforesaid, in his

possession or control, or who shall have in his possession or control any of the funds belonging to said common fund, who shall not deliver up the same to said commissioners upon written demand being made therefor, shall be liable to punishment by indictment or information in any court of competent jurisdiction in this State, and upon a conviction for a failure to comply with said request, shall be fined in any sum not exceeding \$200.00 or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

§ 4. Said commissioners shall, as soon after this Act becomes a law, as practical, cause said common lands to be re-surveyed and a map or plat made thereof, the present survey of the subdivisions of said commons to be followed as nearly as practical so as to ascertain the exact number of acres in each of the lots of said commons, which said plat shall designate the lands in cultivation, the low lands, the timber lands, and the improvements on said lands and any other things that may be necessary to give full information and understanding of the location, character, and value of said lands, and they shall have as many blue print copies made of said plat as may be necessary to carry out the purposes of this Act.

§ 5. As soon as said lands have been surveyed and platted as provided by section 4 of this Act, said commissioners shall fairly appraise said lands as contemplated by this Act and shall then go upon said lands, swear and examine such witnesses as they may deem necessary and examine each and every lot thereof and appraise the same at its fair cash value, taking into consideration the value of the deeded lands already owned in fee by the inhabitants living upon said island, and the value of land similarly situated in the Mississippi river bottoms and its adaptability for cultivation and liability to overflow, valuing the land and improvements separately, which said value so made by the said commissioners shall be reduced to writing and shall be placed upon a blue print copy of the plat to be made of said lands, provided for in section 4 and said commissioners shall thereupon, file a certified copy of such report, together with a blue print copy of the plat aforesaid, with the Auditor of the State where the same shall be kept as a part of the records and files of his office. The said report of said appraisers and the certified copy so filed with the State Auditor, shall also contain a list of the lessees of said common lands, holding or claiming to hold the same, and a list of the parties in possession of said lot or lots together with their postoffice addresses, and a brief description of the leases under which they claim to hold said lands.

§ 6. Upon the completion of the appraisement aforesaid, the commissioners appointed by this Act, shall give to the lessees and occupants of said commons lands holding valid leases upon any portion of it, a written notice at their last known post office address, to the effect that within sixty days from the date of said notice they may purchase the lot or lots which they hold by lease, or otherwise, upon presenting to the commissioners sufficient evidence of their good title as such lessees, at the appraised value placed upon said lands by the appraisers, exclusive of improvements, by paying to said commissioners within that

time, one-fourth of the said appraised value in cash, and by securing the other three-fourths upon said lot or lots sought to be purchased, by giving a first mortgage thereon to secure payment of the balance in three equal payments one to be made in three years and one in six years and the other in ten years from the date of such purchase, said deferred payments to bear interest at the rate of 5 per cent per annum payable semi-annually to said commissioners or after said commissioners have completed their work and made their final report as herein provided, to the State Auditor.

§ 7. At the expiration of the said sixty days, the commissioners shall as soon as it may be practical or expedient to do so, advertise all the lots not taken or purchased by the lessees, for sale at public vendue to the highest and best bidder upon the same terms provided in section 6 for the land to be sold to lessees of the commons, by giving thirty days' notice of such sale and the time and place thereof in three or more newspapers of general circulation as they may think best and that will secure the greatest number of bidders, which said sale shall be held upon said island: *Provided*, that all of said lots shall bring at such public sale two-thirds of the appraised value thereof, including improvements and if any one or more of said lots fail to bring such a price, the commissioners may postpone the sale of such lot or lots until such time as he [they] may be able either by public or private sale, to secure for said lots two-thirds of the appraised value thereof, as aforesaid, provided that at no time shall said lots be sold for less than said two-thirds of the appraised value unless on account of some physical changes in the river or otherwise their value shall be changed, or it shall be found impossible by the commissioners after repeated efforts to sell the same, that such price cannot be obtained, whereupon the said commissioners may have said lands re-appraised as provided for in this Act and may then proceed to sell them at either public or private sale, as they may deem best, two-thirds of their appraised value, including improvements: *And, provided, further*, that at the public sale, each lot shall be sold separately unless they are so situated that by putting two or more lots together after having first put them up separately, they would bring a better price.

§ 8. Until said sale is completed as provided for in this Act, the commissioners shall collect all the rents that may become due from time to time under the terms of any valid leases now outstanding on any of said common lands according to the tenor and effect thereof and shall see that all leases are enforced accordingly, except that in case of an overflow they may allow such rebates on the rents on overflowed lands as they may deem just and proper under all the circumstances; they shall also keep rented from year to year any of the unleased portion of said lands to the best possible advantage until said sale is completed, and all sales of lots not sold to the lessees thereof, shall be made subject to any valid lease that may be upon it, but said commissioners shall make no lease for a longer period than one year.

§ 9. Upon the sale of any of the lots or parcels of land as herein provided, and a full compliance with the terms of said sale by the purchaser, the said commissioners are hereby authorized to execute and deliver to each of said purchasers a title deed conveying to said purchaser a fee simple title to the lot or lots he so purchased, which shall be signed and executed by them as such commissioners and approved by the Governor of the State, and all notes and mortgages taken by them to secure deferred payments shall be taken in the name of and made payable to the People of the State of Illinois for the use of the inhabitants of the island of Kaskaskia, and until the said commissioners shall have made their final report as herein provided, all payments thereon shall be made to them, but after they shall have made their final report, as herein provided, then all payments thereon shall be made to the State Auditor who shall cancel the notes and turn the funds over to the State Treasurer, and should default be made on any of such notes or mortgages and it should be deemed advisable to foreclose the same, the said commissioners if the same shall occur before their discharge, and if after, the State Auditor shall certify the same to the Attorney General who shall at once proceed to foreclose said mortgage or mortgages and the State Auditor or the commissioners as the case may be, are hereby authorized to purchase said lands at said foreclosure sale, if it is deemed necessary to protect the interest of the State therein, and in case any of said lands shall revert back to the State thereby, then and in that case the said commissioners, or the State Auditor by and with the advice and consent of the Governor, shall re-sell such lands for such price and upon such terms as they may deem best to get the most out of them and to finally dispose of the same, and if this should be done after said commissioners have been discharged, then the State Auditor, with the approval of the Governor shall make conveyance as herein provided for said commissioners.

§ 10. Any school buildings or other buildings used or intended for school purposes or any other purposes, which said commissioners may find situated upon common lands, or upon any other lot or lots upon said island which have been purchased or built in whole or in part by common funds, derived either directly or indirectly, from the rents of said common lands, said commissioners shall take possession of the same, and if, in their judgment the same are so situated as to be of any use to any public school district upon said island for a school house, they are hereby authorized to deed the same to the legal [legally] constituted school authorities of said school districts for school purposes, but if any of said property should not be so situated as to be of any use to any school district upon said island, then and in that case, said commissioners are hereby authorized to sell said buildings and lots upon such terms and conditions as they may deem best, provided the terms shall be no more liberal than the terms herein given on the common lands, and give title thereto, the same as they are hereby authorized to do with the common lands, and they shall place the proceeds of said sale with the common funds and account for it in the same manner as herein provided for the accounting of the common funds.

§ 11. Said commissioners shall keep a record book in which they shall keep a complete record of all their acts and doings and the sales made by them showing the appraisalment of each lot, the lessee, and to whom sold, the price per acre and payments, which, when said sale is completed, they shall file with their final report to the Governor, and which if found correct by him, it shall then become one of the records of the State Auditor's office and as such, a certified copy of any of the matters and things contained therein, properly certified under the seal of the Auditor's office, shall be received as evidence in any court in any proceeding where the same may be necessary to be used.

§ 12. As soon as the sale of all said lands has been duly completed, said commissioners shall make a full and final report of their acts and doings in this regard, together with the total amounts of money, notes and mortgages received by them and the total amount expended by items, to the Governor of Illinois, and shall thereupon turn all moneys in their hands belonging to said funds over to the State Treasurer of Illinois, who shall keep the same in a separate fund designated as the "Kaskaskia Commons permanent school fund," and all notes, mortgages and securities held by them they shall turn over to the State Auditor of Illinois for safe keeping; and if, upon an examination of their report by the State Auditor and the Governor, it is found to be correct and that they have fully carried out the provisions of this Act, then the Governor shall approve said report, and the Auditor and State Treasurer shall fully receipt them for the funds, securities and records, and they shall be fully and finally discharged from any further duties or liabilities in this behalf.

§ 13. It is hereby made the duty of the State Treasurer and the State Auditor, upon said commissioners making their final report, as herein provided, to keep all the principal funds of said funds invested on good interest bearing school, municipal, county or State bonds, or good first mortgages on real estate, so as to bring at least 5 per cent interest; said investments to be made by the State Treasurer by and with the approval of the State Auditor, who shall be keeper of said securities and the Auditor shall keep an accurate and correct record thereof, and the income derived therefrom shall be paid out by the State Treasurer upon warrants issued by the State Auditor for the support of the schools upon the island of Kaskaskia, which said warrants shall be issued by the State Auditor upon certified, itemized bills to be sent to him and filed in his office from time to time by the president and secretary of the school directors or boards of education of the said island of Kaskaskia, and which money shall only be paid out for teachers' wages, repairs to school buildings and grounds, and fuel, and the necessary apparatus for said schools, school library and school books for children who are unable to buy them, and such incidental expenses that may be necessary to the support and maintenance of said schools as may be determined from time to time by the boards of education or directors of the said



island by proper resolutions adopted by them, a certified copy of which shall be filed with the Auditor by the president and clerk of said board or boards before he shall be authorized to voucher said bills.

§ 14. Upon the receipt of the funds and securities by the State Auditor and State Treasurer, the State Auditor shall each year, as is now provided by law, apportion the income from said common fund to the various school districts upon said island, as is now provided by the general school laws of the State, with reference to the State school funds, and notify the boards of directors or boards of education on said island of the amount so apportioned to them and place the same to their credit, so that they may know what they may have at their disposal for the ensuing school year; and said school directors or boards of education shall not be allowed to draw upon the principal sum of said fund or to anticipate any of the income therefrom but shall only be entitled to have their requisitions honored by the Auditor for the amount placed to their credit each year.

§ 15. Should the completion of the work herein required by the commissioners herein appointed require more than a year, they shall report fully their acts and doings to the Governor on or before the first day of January of each year hereafter and shall report and turn over to the State Treasurer and State Auditor the interest collected by them each year on said funds, so the same may be distributed by the Auditor for school purposes upon the island, as herein directed, and also all other sums of money collected by them and not needed by them for the expenses provided for by this Act, and they shall also each give his bond, the expense of which may be paid out of said funds, to the People of the State of Illinois for the faithful performance of their respective duties herein and the faithful accounting of all the money received during that time, in the sum of \$30,000.00 each, which bond shall be signed by one or more good and sufficient sureties or any approved surety company and be approved by the Governor and shall take an oath before entering upon his duties, which shall be filed with the Governor, together with his bond, to faithfully discharge the duties herein imposed upon him; and they shall receive as their compensation for the performance of the duties herein provided, six (6) per cent of the net amount of cash and mortgages realized from the sale of said lands and rents, and other funds they may collect, not including interest, after deducting all necessary and incidental expenses incident to the appraising and completion of said sale, and their necessary traveling expenses, which compensation shall be divided equally between them, and they are hereby authorized to employ such surveyors, clerks and appraisers as may be necessary from time to time to conduct and carry out the object of this Act at an expense not to exceed \$5.00 per day for each day each man is actually employed, and to take their receipts therefor and file with their report, and they shall in their report make a detailed statement of their own expenses.

§ 16. Should it become necessary for said commissioners to bring or defend any suit at law or in equity in any courts in order to carry out

the object and purposes of this Act, the Attorney General shall furnish them with such legal counsel or assistance as they shall need from time to time.

§ 17. The Act entitled, 'An Act to provide for leasing the lands granted as a common to the inhabitants of the town of Kaskaskia, in Randolph county, or so much of said lands as it may be to the interest of the inhabitants of said town to lease for school and other purposes,' approved January 23, 1851, is hereby repealed.

FILED June 16, 1909.

The Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within ten days after the adjournment of the General Assembly, it has thereby become a law.

Witness my hand this 16th day of June, A. D. 1909.

JAMES A. ROSE,  
Secretary of State.

#### SALE TO AMERICAN SMELTING AND REFINING COMPANY.

§ 1. Authority—description — condi- | § 2. Evidence of reclamation—patent.  
tions.

(SENATE BILL NO. 523. APPROVED JUNE 15, 1909.)

AN ACT for the sale to American Smelting and Refining Company of the interest of the State of Illinois in certain lands.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the right, title and interest of the State of Illinois in and to the land now and heretofore submerged beneath the waters of Lake Michigan, and described as follows, shall be granted, quit-claimed and conveyed to American Smelting and Refining Company, in fee, that is to say: Beginning at a point in the northeasterly face of breakwater on the northeasterly line of dock one (1) in Calumet and Chicago Canal and Dock Company's subdivision of part of the northwest fractional quarter of fractional section five (5), township thirty-seven (37) north, range fifteen (15) east of the third principal meridian (3d P. M.), Cook county, Illinois, and south of Indian boundary line, where the southeasterly face of shore return pier extended intersects the northeasterly face of said breakwater; thence northeasterly on a line parallel to the northwesterly face of United States south pier on the southeasterly side of the Calumet river, which line is north sixty (60) degrees, thirty-one (31) minutes and thirty (30) seconds east a distance of nineteen hundred and ninety-two and forty-four hundredths (1,992.44) feet, more or less, to the United States harbor line; thence south twenty-three (23) degrees five (5) minutes and thirty (30) seconds east along the United States harbor line a distance of three hundred fifty-two and sixteen hundredths (352.16) feet, more or less, to a point in a line parallel to and three hundred and fifty (350) feet southeasterly from the first mentioned parallel line; thence south sixty (60) degrees, thirty-one (31) minutes and thirty (30) seconds west along said parallel line a distance of nineteen hundred and thirty-five and forty-three hundredths (1,935.43) feet to a point where a line parallel to and three hundred

and fifty (350) feet southeasterly from the southeasterly face of the shore return pier above mentioned intersects said parallel line; thence southwesterly on a line parallel to the southeasterly face of said shore return pier one hundred and thirty (130) feet, more or less, to a point in the shore line of Lake Michigan as per United States survey of 1869; thence northwesterly along said shore line three hundred and fifty (350) feet to the southeasterly face of shore return pier above mentioned; thence northeasterly along the southeasterly face of said shore return pier one hundred and forty (140) feet, more or less, to the place of beginning, containing sixteen and seventy-five hundredths (16.75) acres, subject, however, to all rights and interests of the government of the United States, and upon the following conditions:

*First*—That the said American Smelting and Refining Company shall pay into the treasury of the State of Illinois, within sixty days from the passage of this Act, the sum of sixteen hundred and seventy-five dollars (\$1,675.00).

*Second*—That not less than five (5) acres of the land aforesaid shall be conveyed at any one time, and that any such part of such lands shall not be so conveyed until the same, not less than five (5) acres in area, shall have been filled in, and reclaimed, and raised above the surface of Lake Michigan.

*Third*—That any part of such land which shall not have been filled in, and reclaimed, and raised above the surface of Lake Michigan, within fifteen (15) years from the date that this Act shall go into effect, shall revert to the State and the said American Smelting and Refining Company shall have no further right by virtue hereof to fill in and reclaim such part.

*Fourth*—That said American Smelting and Refining Company shall have free and unobstructed access from such of said lands as may be filled in and reclaimed, as aforesaid, throughout their entire shore frontage, to Lake Michigan, but shall not have any other riparian rights appurtenant thereto.

§ 2. Upon payment being made as above provided, and upon the filing in the office of the Secretary of State, from time to time, of good and sufficient evidence that any part of such lands not less than five (5) acres in area has been filled in, and reclaimed, as aforesaid, then a patent shall be issued under the great seal of State, by the Governor and Secretary of State, conveying such part of said lands, but not less than five (5) acres at any one time, to the said American Smelting and Refining Company, in accordance with the provisions of this Act.

APPROVED June 15, 1909.

## SALE TO ILLINOIS STEEL COMPANY.

§ 1. Authority—description — conditions.

§ 2. Evidence of reclamation—patent.

(SENATE BILL NO. 284. APPROVED JUNE 15, 1909.)

AN ACT *providing for the sale to the Illinois Steel Company of the interest of the State of Illinois in certain lands.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the right, title and interest of the State of Illinois in and to the lands now and heretofore submerged beneath the waters of Lake Michigan, and described as follows, shall be granted, quit-claimed and conveyed to the Illinois Steel Company in fee, that is to say: Commencing at a point at the intersection of the south line of Seventy-ninth street extended, in the city of Chicago, with the present shore line of Lake Michigan, and running thence east along said south line of Seventy-ninth street, extended, to a point which is seventeen hundred ten (1710) feet east of the west line of section thirty-two (32), township thirty-eight (38) north, range fifteen (15) east of the third principal meridian, and which point is approximately one thousand feet east of the present shore line of Lake Michigan; running thence south sixty-one (61) degrees thirty (30) minutes, east three thousand ten (3010) feet; thence southerly to a point on the north line of the Calumet river, which said point is four hundred fifteen (415) feet westerly from the east end of the pier, or breakwater constructed by the United States government along the north line of the Calumet river; thence westerly along said north line of the Calumet river to the original meander line of Lake Michigan, according to the government survey; thence northerly along said original meander line to the present shore line of Lake Michigan; thence northerly along said present shore line of Lake Michigan to the place of beginning; subject, however, to all rights and interests of the government of the United States and upon the following conditions:

*First*—That the said Illinois Steel Company shall pay into the treasury of the State of Illinois, within sixty (60) days from the passage of this Act, the sum of thirty-seven thousand five hundred dollars (\$37,500.00).

*Second*—That not less than five acres of the lands aforesaid shall be so conveyed at any one time, and that any such part of such lands shall not be so conveyed until the same, not less than five acres in area, shall have been filled in and reclaimed and raised above the surface of Lake Michigan.

*Third*—That any part of such lands, which shall not have been filled in and reclaimed, and raised above the surface of Lake Michigan, within fifteen years from the date that this Act shall go into effect, shall revert to the State, and the said Illinois Steel Company shall have no further right by virtue hereof to fill in and reclaim such part.

*Fourth*—That said Illinois Steel Company shall have free and unobstructed access from such of said lands as may be filled in and reclaimed as aforesaid, to Lake Michigan, but shall not have any other riparian rights appurtenant thereto.

§ 2. Upon payment being made, as above provided, and upon the filing in the office of the Secretary of State, from time to time, of good and sufficient evidence that any part of such lands, not less than five acres in area, has been filled in and reclaimed, as aforesaid, then a patent shall be issued under the great seal of State, by the Governor and Secretary of State, conveying such part of said lands, but not less than five acres, at any one time, to the said Illinois Steel Company, in accordance with the provisions of this Act.

APPROVED June 15, 1909.

#### SALE TO IROQUOIS IRON COMPANY.

§ 1. Authority—description — conditions.	§ 2. Evidence of reclamation—patent.
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(SENATE BILL No. 396. APPROVED JUNE 15, 1909.)

*AN ACT for the sale to the Iroquois Iron Company of the interest of the State of Illinois in certain lands.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the right, title and interest of the State of Illinois in and to the land now and heretofore submerged beneath the waters of Lake Michigan, and described as follows, shall be granted, quit-claimed and conveyed to the Iroquois Iron Company, in fee, that is to say: Beginning at the intersection of the northwesterly face of the United States pier on the southeasterly side of the Calumet river, with the northeasterly line of dock 1, in the Calumet and Chicago Canal and Dock Company's subdivision of that part of the northwest fractional quarter of fractional section five (5), township thirty-seven (37) north, range fifteen (15) east of the third principal meridian, south of the Indian boundary line, lying east of Ewing avenue, thence north (60 degrees, 31 minutes and thirty seconds) sixty degrees thirty-one minutes and thirty seconds east, along the northwesterly face of said United States pier a distance of (2266.5) two thousand two hundred sixty-six and five-tenths feet to the northeasterly end of said pier, being also the United States harbor line; thence south (23 degrees, 5 minutes and thirty seconds) twenty-three degrees, five minutes and thirty seconds east along said United States harbor line, a distance of (1753.48) one thousand seven hundred fifty-three and forty-eight hundredths feet, more or less, to a line (1742.59) one thousand seven hundred forty-two and fifty-nine one hundredths feet southeasterly, measured at right angles from the northwesterly face of said United States pier, and parallel therewith; thence south (60 degrees, 31 minutes and 30 seconds) sixty degrees, thirty-one minutes and thirty seconds west, along said parallel line, a distance of (2003.65) two thousand and three and sixty-

five one-hundredths feet, more or less, to the northeasterly line of said dock one, at a point (169.1) one hundred and sixty-nine and one-tenth feet northwesterly from the intersection of said line with the south line of said northwest fractional quarter; thence northwesterly along the northeasterly line of said dock one, a distance of (1743.9) one thousand seven hundred forty-three and nine-tenths feet to the place of beginning; containing (85.34) eighty-five and thirty-four one-hundredths acres in all; subject, however, to all rights and interests of the government of the United States, and upon the following conditions:

*First*—That the said Iroquois Iron Company shall pay into the treasury of the State of Illinois, within sixty days from the passage of this Act, the sum of (\$8,534.00) eight thousand, five hundred and thirty-four dollars.

*Second*—That not less than five acres of the land aforesaid shall be conveyed at any one time, and that any such part of such lands shall not be so conveyed until the same, not less than five acres in area, shall have been filled in, and reclaimed, and raised above the surface of Lake Michigan.

*Third*—That any part of such land which shall not have been filled in and reclaimed and raised above the surface of Lake Michigan within fifteen years from the date that this Act shall go into effect, shall revert to the State, and the said Iroquois Iron Company shall have no further right by virtue hereof to fill in and reclaim such part.

*Fourth*—That said Iroquois Iron Company shall have free and unobstructed access from such of said lands as may be filled in and reclaimed as aforesaid to Lake Michigan, but shall not have any other riparian rights appurtenant thereto.

§ 2. Upon payment being made as above provided and upon the filing in the office of the Secretary of State, from time to time, of good and sufficient evidence that any part of such lands, not less than five acres in area, has been filled in and reclaimed as aforesaid, then a patent shall be issued under the great seal of State, by the Governor and Secretary of State conveying such part of said lands, but not less than five acres, at any one time, to the said Iroquois Iron Company in accordance with the provisions of this Act.

APPROVED. June 15, 1909.

## STATE MILITIA.

## MILITARY AND NAVAL CODE—REVISION.

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| <p>Article 1. State militia—who constitute. National guard. Naval reserve. Organized and unorganized militia defined.</p> <p>Article 2. Organized militia — land and naval forces—how constituted—powers of commander-in-chief.</p> <p>Article 3. General organization. Appointment, qualifications and rank of officers.</p> <p>Article 4. Organization of national guard — departments named.</p> <p>Article 5. Naval reserve—officers — appointment, qualifications and rank.</p> <p>Article 6. Adjutant General's department — organization — powers and duties.</p> <p>Article 7. Inspector General's department.</p> <p>Article 8. Quartermaster's subsistence, ordnance and pay departments.</p> | <p>Article 9. Judge advocate's department.</p> <p>Article 10. Engineer and signal corps.</p> <p>Article 11. Medical department.</p> <p>Article 12. Retired list.</p> <p>Article 13. Appointments, elections and commissions.</p> <p>Article 14. Examinations.</p> <p>Article 15. Enlisted men.</p> <p>Article 16. Pay and allowances.</p> <p>Article 17. Uniforms, arms, etc. .</p> <p>Article 18. Armories and rifle ranges.</p> <p>Article 19. Parades, drills and field service.</p> <p>Article 20. Military offenses.</p> <p>Article 21. Courts martial.</p> <p>Article 22. Mobs and riots.</p> <p>Article 23. General provisions.</p> |
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(HOUSE BILL NO. 394. APPROVED JUNE 10, 1909.)

*AN ACT to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith.*

## ARTICLE I.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

That all able-bodied male citizens of this State, between the ages of 18 and 45 years, except such as are expressly exempted by the laws of the United States, or are State or county officers, or on account of their profession or employment are exempted by the Commander-in-Chief shall be subject to military duty and designated as the Illinois State Militia.

§ 2. The State militia shall be divided into two parts, the organized and the unorganized. The organized militia shall be further divided into the "Illinois National Guard" and the "Illinois Naval Reserve." All persons liable to military service and not enrolled in either of the above classes constitute the unorganized, or reserve, militia.

§ 3. When it is necessary to execute the laws, suppress or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops or seamen, the Governor, as Commander-in-Chief, may, by his proclamation, require the enrollment

of the unorganized, or reserve, militia of the State, or such portion thereof as may be necessary, and he shall appoint necessary enrolling officers and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the land forces of the militia into companies, battalions, regiments and brigades, and the naval force into divisions and ship's crews, and provide for their equipment, as the case may require. The unorganized militia, when called into active service, shall receive the same pay and allowance as is provided for like troops in the service of the State, or of the United States, respectively.

#### ARTICLE II—THE ORGANIZED MILITIA.

SECTION 1. The land forces of the organized militia shall be designated as the Illinois National Guard, hereinafter termed the National Guard, and shall consist, in time of peace, of not more than one major general and three brigadier generals of the line, twenty-four battalions of infantry, one company of engineers, one regiment of cavalry, three batteries of field artillery, one company of signal corps, one field hospital, the necessary line and staff officers and non-commissioned officers and supply departments, as specified in Art. IV hereof, and the officers of the retired list.

§ 2. The naval force of the organized militia shall be designated as the Illinois Naval Reserve, hereinafter termed the Naval Reserve, and in time of peace shall consist of a ship's complement of twelve divisions, with the necessary line and staff officers, and warrant and petty officers as specified in Art. V hereof, and the officers of the retired list.

§ 3. The Commander-in-Chief may consolidate, transfer, muster out, disband, muster in new organizations to replace those mustered out or disbanded, and make such other changes in the organization of the National Guard and the Naval Reserve as the best interests of the service may require: *Provided*, that such changes do not conflict with the organization prescribed from time to time for similar bodies of the U. S. army or navy, or increase the total number of organizations or of general officers provided for herein.

§ 4. The Commander-in-Chief is hereby authorized to make rules and regulations for the government of the land and naval forces of the State, but such rules and regulations shall conform to the laws of this State, and as nearly as practicable to the regulations for the army and navy of the United States.

§ 5. The organization, equipment, discipline and government of the National Guard and the Naval Reserve not otherwise provided for in this Act, or in regulations, shall conform to the regulations, customs and usages of the army and navy of the United States.

§ 6. Every officer, and enlisted man of the National Guard or Naval Reserve shall be exempt from jury duty, from payment of road labor and head or poll tax of every description during the time he shall hold a commission as an officer, or be enrolled as an enlisted man therein; the exemption from jury duty shall continue after honorable discharge



for a period equal to that honorably completed in the National Guard or Naval Reserve. The uniforms, arms and equipment of every member of the National Guard or Naval Reserve shall be exempt from all suits, distresses, executions or sales for debts or payment of taxes. The members thereof shall in all cases except treason, felony, or breach of peace, be privileged from arrest and imprisonment by civil authority while under orders in the active service of the State, from the date of the issuing of such orders to the time when such service shall cease.

#### ARTICLE III—GENERAL ORGANIZATION.

SECTION 1. The Governor of the State is, *ex officio*, Commander-in-Chief of the military and naval forces of the State.

§ 2. The Commander-in-Chief may appoint the following officers as members of his personal staff:

Four aides, whom the Governor may appoint at discretion and commission as aids in grades not above that of colonel.

Six aids may be selected by the Commander-in-Chief from the commissioned officers of the National Guard and Naval Reserve in active service, of grade below that of colonel; each of them may receive a commission as aid, which, however, shall not add to the actual grade of the officer so appointed, nor shall such officer be relieved from duty with his proper organization, but shall perform all duty pertaining thereto, except when actually on duty as aid under the orders of the Commander-in-Chief.

§ 3. All appointments as aids shall be held at the pleasure of the Commander-in-Chief and shall expire by limitation at the expiration of his term of service as Governor.

§ 4. The Commander-in-Chief shall also appoint the following staff officers, who shall be chiefs of their respective staff departments:

a. The Adjutant General, with rank of Brigadier General, who shall be *ex officio* Chief of Staff, Inspector General, Quartermaster General, Commissary General, Paymaster General, and Chief of Ordnance of the State forces.

b. A Surgeon General, with rank of colonel.

c. A Judge Advocate, with rank of colonel.

§ 5. On the recommendation of the Adjutant General, the Commander-in-Chief shall appoint from officers or ex-officers of the National Guard or Naval Reserve, not below the rank of captain or lieutenant, respectively, the following assistants to the Adjutant General: One adjutant general, one inspector general, one assistant quartermaster general and one ordnance officer, each with rank of colonel, and one assistant quartermaster with rank of captain.

§ 6. The Adjutant General and his assistants shall be men of military training and experience and each shall hold office during the pleasure of the Commander-in-Chief.

§ 7. The Adjutant General, the assistant adjutant general, the assistant quartermaster general and the assistant quartermaster shall all reside at the State capital and give their entire time to their military duties.

§ 8. The Surgeon General and the Judge Advocate must each have had military service as an officer of not less than five years, and be men of recognized high standing of not less than ten years practice in the professions of medicine and surgery, and of law, respectively.

§ 9. Unless otherwise prescribed in any given case, the term "military service," used herein as a qualification for appointment of all officers of the National Guard or Naval Reserve, is defined to mean military or naval service rendered is [in] the organized militia of any state, or to the United States, in the regular army or volunteers, in either or all. Military instruction of one year or more at a standard military school under instruction of an officer of the army or navy may also be accepted as "military service."

§ 10. The officers named in sections 4 and 5 of this article shall be commissioned as officers of the National Guard in their respective grades and departments, but shall also have administrative supervision and control in their respective departments, of affairs of the Naval Reserve and of the unorganized militia.

§ 11. No orders involving expenditure of public funds in the military service shall be given by any officer or other person except as provided by law, or in emergency of the public peace, when life and property are endangered, and subject to approval of the Commander-in-Chief.

#### ARTICLE IV.—ORGANIZATION OF THE NATIONAL GUARD.

SECTION 1. The component parts of the National Guard on the active list named in Art. II, Sec. 1, hereof, shall consist of and be organized in staff and line in time of peace as follows:

§ 2. The Staff departments, to-wit:

An Adjutant General's department;

An Inspector General's department;

A Quartermaster's department;

A Subsistence department;

A Medical department;

A Pay department;

An Ordnance department;

A Judge Advocate's department;

A Corps of Engineers:

A Signal Corps.

§ 3. All officers and troops of the line, and of the staff attached thereto, on the active list, shall be embodied in and constitute a tactical and administrative military division, commanded by a major general who shall be responsible for all matters pertaining to instruction, discipline and military efficiency therein, under the law and regulations.

§ 4. A brigade shall consist of two or more regiments of infantry and shall be commanded by a brigadier general.

§ 5. The general officers of the line shall have the usual personal aids and department staff officers as provided for similar commands in the United States army, which, with the organization of the various tactical units, shall be specified in general orders or regulations by the Commander-in-Chief.

§ 6. Temporary vacancies in the full number of organizations or officers required, due to muster out of companies or other units, or pending organization of new units, or while awaiting appointment, election or qualification of officers, shall not invalidate the standing in law of any tactical unit.

§ 7. In time of war, insurrection or invasion, or reasonable danger thereof, the Commander-in-Chief shall have power to increase the strength of existing units to the full war strength prescribed by the United States, and to organize additional ones, to complete a full divisional organization as required by United States law and regulations. After the emergency has passed, or troops have returned from service, the strength of the division shall be made to conform to the authorized peace basis.

§ 8. Any staff officer in service on the date of approval of this Act, holding commission under present provisions of law, but in excess as to number or rank of those provided for herein, may be retained in his present department and rank, until he shall retire, resign, or vacate his commission through any other cause. No appointments of staff officers shall be made hereafter, however, except in conformity in rank and number as prescribed herein.

#### ARTICLE V.—ORGANIZATION OF THE NAVAL RESERVE.

SECTION 1. The Naval Reserve shall be organized as a ship's crew and shall consist of one captain; one commander, who shall be executive officer; one lieutenant commander, who shall be navigating officer; one lieutenant, who shall be ordnance officer; one lieutenant, who shall be equipment officer; a staff consisting of one lieutenant commander, who shall be chief engineer; one lieutenant, who shall be paymaster; one lieutenant, junior grade, who shall be passed assistant paymaster; one ensign, who shall be an assistant paymaster; one lieutenant, who shall be chaplain; one lieutenant, junior grade, who shall be signal officer; one lieutenant, junior grade, who shall be secretary; two ensigns, aids, twelve divisions, two of which shall be steam engineer divisions, and one band. There shall also be allowed on the staff of the Naval Reserve not to exceed eight warrant officers and such petty officers as may be required and approved by the Commander-in-Chief.

§ 2. A division shall consist of one lieutenant; one lieutenant, junior grade; two ensigns; one boatswain's mate, first class; one gunner's mate, first class; one quartermaster, first class; one master-at-arms, second class; one boatswain's mate, second class; one gunner's mate, second class; one quartermaster, third class; two musicians; one coxswain for every twenty seamen; and thirty seamen as a minimum and eighty seamen as a maximum.

§ 3. A steam-engineer division shall consist of one lieutenant, who shall be passed assistant engineer; one lieutenant, junior grade, who shall be passed assistant engineer; two ensigns, who shall be assistant engineers; and not to exceed four chief machinist's mates, second class; two electricians, second class; one yeoman, second class; two musicians; four oilers, third class; eight water tenders; eight firemen, first class; twenty-four firemen, second class; and twenty-four coal passers.

§ 4. The chief engineer, signal officer, secretary and aids shall not be considered to be "staff" officers, but shall be line officers, and as such entitled to assume command.

§ 5. The naval forces shall not be considered as attached to any division or brigade of the land forces of the State, but shall be under the direct command of the Commander-in-Chief. When, however, the Naval Reserve, or any part thereof, shall be in the field or afloat upon actual service, the senior officer present shall command same, and whenever operating or acting in conjunction with the land forces of the militia of the State, the senior officer present, according to relative rank of either force, shall command the whole, unless otherwise specially ordered or directed by the Commander-in-Chief, or other competent military or naval authority.

§ 6. No officer of the staff shall be entitled by virtue of his rank to assume command when officers of the line are present and capable of assuming command, unless expressly authorized so to do by law, or by the terms of his commission, where an officer of similar rank and position in the United States navy service would not be entitled to assume command, unless by express directions of the Commander-in-Chief or other competent authority.

§ 7. All petty officers of divisions, on recommendation of the commanding officer of their divisions, shall be appointed by warrant by the commanding officer of the Naval Reserve, provided they shall have passed an examination prescribed by the officer issuing the warrant.

The commanding officer of the Naval Reserve is empowered to detail an officer or officers to conduct such examinations.

§ 8. The Commander-in-Chief shall have power to assign any officer, warrant or petty officer, or seamen of the United States navy detailed or assigned to duty with the Naval Reserve, as instructor or otherwise, to such duties as he may deem proper and suitable, and shall have power to confer upon any such officer, warrant or petty officer, or seamen, such rank in the naval service of the State, during such detail or assignment, as he may deem best.

#### ARTICLE VI.—THE ADJUTANT GENERAL'S DEPARTMENT.

SECTION 1. The Adjutant General's Department shall consist of the Adjutant General and five adjutants general, namely: One colonel, one lieutenant colonel, and three majors.

§ 2. An adjutant general with rank of colonel shall be chief assistant to the Adjutant General at his office at the State capitol, and shall

perform such duties as may be directed by him or by the Commander-in-Chief. In the event of the disability of the Adjutant General, or his absence from the State, his chief assistant shall perform the duties of the Adjutant General.

§ 3. An adjutant general with rank of lieutenant colonel shall be adjutant general of the division, and *ex officio* chief of staff of the division.

§ 4. The other officers of the Adjutant General's department shall be assigned for duty on the staffs of the division or brigade commanders, and perform the duties properly pertaining to that department.

§ 5. The Adjutant General shall issue and transmit and keep a record of all orders and regulations of the Commander-in-Chief and all matters pertaining to the unorganized militia, the National Guard and the Naval Reserve.

§ 6. He shall keep a record of all appointments, elections and commissions of officers, and appointments of non-commissioned officers. He shall have general charge of recruiting and record all enlistments and discharges and keep the necessary military history of each member of the State forces.

§ 7. He shall have charge of all correspondence and the records thereof, pertaining to his office, and shall file for record all returns of troops and all reports and records of field service and camps of instruction, and of all active service performed by troops of the State, in service of the State or of the United States.

§ 8. The Adjutant General shall have charge of and carefully preserve the colors, flags, guidons and military trophies of war belonging to the State, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State, blanks and forms, and such military and naval instruction books as shall be approved by the Commander-in-Chief.

§ 9. On or before the first day of November next preceding the regular session of the General Assembly, the Adjutant General shall make out a full and detailed report of all the transactions of his office, with the receipts and expenditures of the same for two preceding years. In preparing his account of the money paid out and expended, he will group the expenditures made from each separate appropriation under the following sub-heads or titles:

§ 10. National Guard.

1. Armory rent, fuel, light, janitor service, etc.
2. Camp and garrison equipage, clothing and equipment.
3. Pay of officers and troops for camp duty and other duties ordered by the Commander-in-Chief.
4. Transportation of officers and troops.
5. Subsistence of troops at each camp of instruction, practice, march, or other duty ordered by the Commander-in-Chief.
6. Horse hire and forage.
7. Rifle practice, including all expenses connected therewith, except pay of officers and enlisted men and civilian employes.

8. Pay of permanent salaried officers, clerks, enlisted men and civil employés.

9. Miscellaneous expenses.

10. Total expenditures.

§ 11. Naval Reserve.

1. Armory rent, light, fuel, janitor, etc.

2. Camp and garrison equipage, clothing, equipment, tools and instruments.

3. Pay of officers and men for camp or cruise duty, and other duties ordered by the Commander-in-Chief.

4. Transportation of officers and men.

5. Subsistence of officers and men at each camp of instruction on practice cruise, or other duty ordered by the Commander-in-Chief.

6. Dockage and repairs.

7. Gun and small arms practice, and expenses immediately pertaining thereto.

8. Pay of permanent salaried officers, clerks, enlisted men and civil employés.

9. Steam engineering department.

10. Miscellaneous expenses.

11. Total expenditures.

The Adjutant General shall also report the total unexpended balance of appropriation on hand, and shall also report upon such other matters at such times as shall be required by the Commander-in-Chief.

§ 12. In his capacity as head of the Quartermaster's Subsistence and Ordnance departments, the Adjutant General shall have general supervision of the State arsenal and armories and the grounds and buildings of all military camps and rifle ranges, and shall receive and issue all ordnance and ordnance stores, clothing, camp and garrison equipage, subsistence stores, and all other public property pertaining to the military and naval forces of the State, on the order of the Commander-in-Chief.

§ 13. The Adjutant General shall direct and have charge of the purchase of all military stores and supplies; purchase of supplies and stores not exceeding \$100 in value shall be purchased in such manner as the Adjutant General may direct.

§ 14. If such purchase requires an expenditure exceeding \$100 and not exceeding \$500, he shall secure written proposals to furnish such supplies or stores from at least three parties, and shall purchase such supplies or stores from the lowest responsible bidder.

§ 15. If such purchase shall require the expenditure of a sum exceeding \$500, he shall publicly advertise for at least ten days in one or more (not exceeding four) newspapers of general circulation, published or circulated in districts where such supplies or stores are manufactured, jobbed or wholesaled, for sealed proposals for furnishing such supplies or stores, reserving the right to reject any or all proposals; such proposals shall be accompanied by samples of the stores or supplies proposed to be furnished, when the nature of such stores and sup-

plies makes it practicable so to do; such proposals shall be publicly opened by the Adjutant General at the place, day and hour designated in such advertisement.

§ 16. Subject to the approval of the Commander-in-Chief, the Adjutant General shall let all contracts for stores and supplies to the lowest responsible bidders. A copy of all advertisements, proposals and contracts shall be filed in the office of the Adjutant General.

§ 17. The Adjutant General shall require a bidder to whom a contract is awarded to give bond running to the People of the State in such sum and with such surety as he shall direct, conditioned upon the faithful performance of such contract; in case of breach of the conditions of any such bond, action shall be brought thereon by the Attorney General, and all moneys recovered shall be turned into the State military fund. All stores, supplies or property purchased under contract shall be rigidly inspected by an officer detailed for that purpose by the Commander-in-Chief, and compared with the samples furnished or with standard supplies and stores of like character, before the same shall be accepted or paid for.

§ 18. If such stores and supplies so furnished under contract are not equal in quantity, quality or value to those contracted for, the same shall be rejected.

§ 19. The above provisions shall apply in the matter of all purchases, except that in time of public danger, or when an emergency exists, and the Commander-in-Chief so decides, and so orders in writing, the Adjutant General may purchase, or authorize the purchase, of stores and supplies in the open market sufficient for the needs of the emergency then existing, without requiring proposals, and without advertising for the same.

§ 20. All moneys arising from the sale of damaged or surplus military stores and property, or from stores or property sold to the United States, shall be turned into the State treasury and shall constitute a fund to be known as the "State Military Fund," and to be kept separate from other funds and paid out by the treasurer for general military purposes on proper vouchers certified by the Adjutant General and approved by the Commander-in-Chief.

#### ARTICLE VII—THE INSPECTOR GENERAL'S DEPARTMENT.

SECTION 1. The Inspector General's department shall consist of the Inspector General (the Adjutant General) and two inspectors general, namely: One colonel and one lieutenant colonel.

§ 2. The officers of the Inspector General's department are charged with making inspections of individuals, troops and organizations of the National Guard and Naval Reserve. Such inspections shall be made only in compliance with competent orders.

§ 3. Any officer of the National Guard or Naval Reserve may be detailed by the Commander-in-Chief to make inspections.

§ 4. The entire National Guard and Naval Reserve shall be inspected at their home stations at least once in each year.

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ARTICLE VIII.—THE QUARTERMASTER'S, SUBSISTENCE, ORDNANCE AND PAY DEPARTMENTS.

SECTION 1. The quartermaster's department shall consist of the quartermaster general (the Adjutant General), one assistant quartermaster general, colonel, one deputy quartermaster general, lieutenant colonel, three quartermasters, majors, one assistant quartermaster, captain, and not to exceed six post quartermaster sergeants.

§ 2. The quartermaster's department is charged with furnishing all means of transportation, clothing, tentage, fuel, stoves, and other means of heating; all public animals and forage therefor, water supply, means of lighting, all building materials and stationery; with the construction of roads and building, and, in general, all necessary supplies and services not specified for some other staff department.

§ 3. The assistant quartermaster general shall assist the quartermaster General (the Adjutant General) in his office and as he may direct in all matters pertaining to the supply departments, and as directed by him in his capacity as quartermaster general commissary general and chief of ordinance, and have charge of all property issues, of accountability and of records in these departments.

§ 4. The captain and assistance quartermaster shall have immediate charge of the State arsenal and all property and stores therein; he shall care for all public property in his charge and keep such records thereof as may be ordered by the quartermaster general, and perform such other duties pertaining thereto, or otherwise, as may be assigned to him by authority of the Quartermaster General.

§ 5. The Subsistence department shall consist of the Commissary General (the Adjutant General), one deputy commissary general, lieutenant colonel, three commissaries, majors, and four post commissary sergeants.

§ 6. The Subsistence department is charged with the purchase and issue of all food supplies for the troops, operating bakeries and such other details as pertain to such duties.

§ 7. The Ordnance department shall consist of the Chief of Ordnance (the Adjutant General) and six ordnance officers, namely: One colonel, one lieutenant colonel, three majors, one captain, and such number of ordnance sergeants as may be necessary. All ordnance officers shall be subject to detail as inspectors of small arms practice.

§ 8. The Ordnance department is charged, in general, with furnishing ordnance and ordnance stores as defined in the United States army regulations.

§ 9. The other officers of the Quartermaster's department and the officers of the Subsistence and Ordnance departments shall be assigned to duty with the division and brigades, as directed by the Commander-in-Chief.

§ 10. The Pay department.

The Adjutant General shall act as Paymaster General and shall be assisted by officers detailed for the purpose, as may be authorized by the



Commander-in-Chief. He shall have charge of all disbursements of pay and allowances to officers and men of the National Guard and Naval Reserve as may be authorized by law, and render such returns and accounts for such disbursements as may be required by law and regulations.

ARTICLE IX.—THE JUDGE ADVOCATE'S DEPARTMENT.

SECTION 1. The Judge Advocate's department shall consist of two judge advocates, one colonel, who shall act as, and perform the duties incident to the office of, Judge Advocate General, and one lieutenant colonel, who shall be judge advocate on the staff of the division commander.

§ 2. Officers of the Judge Advocate's department may be required to prepare or revise charges and specifications preferred against members of the State forces; to advise as to the legality of proceedings and sentences of general court [courts] martial; to pass upon action of courts of inquiry and boards convened under Art. XIV, Sec. 7 hereof and to draft contracts, bonds, deeds, leases, etc., pertaining to the military service of the State, as may be referred to them by superior authority in any case. In general they shall serve as legal advisers to the Commander-in-Chief, the division commander, and the Adjutant General in all matters pertaining to the military and naval service of Illinois.

§ 3. Any officer of the State military or naval service may be detailed as judge advocate of a general court martial; it shall be his duty in such case to prosecute, according to law, and the custom and procedure prescribed in the United States army, the charges preferred against the person on trial, but at the same time to protect the legal rights of the accused.

ARTICLE X.—THE ENGINEER AND SIGNAL CORPS.

SECTION 1. The Corps of Engineers shall consist of the chief engineer, lieutenant colonel, and the officers of engineer troops authorized under existing or future law.

§ 2. The chief engineer shall serve on the staff of the division commander.

§ 3. The officers of the Engineer Corps shall be men who have received an education in some branch of the engineering profession.

§ 4. The Signal Corps shall consist of the chief signal officer, lieutenant colonel, one captain, three first lieutenants, five sergeants, first class; nine sergeants; ten corporals; two cooks, eighteen privates, first class; eighteen privates. At least two-thirds of the officers and men of the signal corps shall be expert telegraphers or electricians.

§ 5. The chief signal officer shall serve on the staff of the division commander.

§ 6. All officers and men of the Signal Corps belong to the staff but for purposes of administration and discipline; a signal corps company shall be formed, as authorized by the United States regulations.

## ARTICLE XI.—THE MEDICAL DEPARTMENT.

SECTION 1. The medical department shall consist of the medical corps, composed of commissioned officers regularly attached to the organized militia—the hospital corps, composing the enlisted strength thereof, and the medical reserve corps, composed of reserved medical officers.

§ 2. All appointments of officers in the medical department shall be made on the recommendation of the commanding officer of the organization to which they are to be assigned and shall be subject to the approval of the Surgeon General. Officers of the medical department below the grade of lieutenant colonel shall hold their respective offices for the term of five years from date of their latest commissions, respectively, unless removed therefrom by death, resignation or by action of a board of inquiry or court martial.

§ 3. Examinations of candidates for appointments, and of officers for promotion to a higher grade in the medical department, shall be as prescribed by the Surgeon General, subject to the approval of the Commander-in-Chief.

§ 4. The grade of captain, assistant surgeon, where prescribed for any organization shall be an original appointment only in case there is no medical officer of grade of captain already attached to the organization.

In case there are one or more medical officers of original grade of first lieutenant, who have received the advanced grade on account of length of service, as provided in section 9 of this article, then such vacancy in the organization shall be in the junior grade only.

§ 5. The field hospital shall be organized under the supervision of the chief surgeon of the division, and in conformity with like organizations in the United States army.

The field hospital shall be attached for administrative purposes to division headquarters, to which the major commanding shall make reports in the same manner as do other commanding officers.

§ 6. All appointees in the medical corps and the medical reserve corps shall be graduates of reputable medical schools.

§ 7. All officers of the medical corps and the medical reserve corps at any station shall perform any medical duty, including examination for enlistments for any or all troops at that station, irrespective of regiment or other organization to which they may be assigned, as directed by the Surgeon General.

§ 8. The medical corps shall consist of the Surgeon General, with rank of colonel, and the following for assignment to duty as specified:

One deputy surgeon general, with rank of lieutenant colonel, chief surgeon of the division.

Fifteen surgeons, majors: One for each brigade and regiment—one in command of the field hospital, one as medical inspector and chief sanitary officer on the division staff, and one as secretary to the Surgeon General.

The following assistant surgeons: One captain for each regiment and separate battalion, one as assistant to the chief surgeon of the division, one commanding ambulance company section, and one with the hospital section of the field hospital; two lieutenants for each regiment, one for each separate battalion, four for duty with the field hospital, and one with the signal corps company: *Provided*, that no battery shall be without medical service, and that, if necessary, an additional first lieutenant may be assigned to the artillery battalion at the station of a detached battery.

§ 9. Medical officers of original grade of first lieutenant shall be entitled to promotion to the grade of captain after three years' service as first lieutenants; such promotion, however, shall not increase the total number of assistant surgeons herein authorized.

§ 10. Recommendations by commanding officers of regiments and separate battalions for appointments of medical officers must be confined to persons living at stations of troops of their respective commands.

§ 11. The hospital corps shall consist of such non-commissioned officers and privates as may be allowed according to United States army regulations to different organizations.

§ 12. The members of the hospital corps shall be enlisted for, and permanently attached to the medical department. Members of the hospital corps shall be enlisted under the direction of the senior surgeon of the division, brigade, regiment, separate battalion or company, or field hospital, to which they are to be attached for service, subject to such qualifications as the Surgeon General may prescribe. Sergeants, first class, and sergeants shall be appointed by the Surgeon General on the recommendation of the senior surgeon of division, brigade, regiment or other separate command: *Provided*, appointments as sergeants, first class, must follow service of at least one year as sergeant or hospital steward. Before appointment, sergeants, first class, and sergeants must pass such examinations as shall be prescribed by the Surgeon General, and shall be furnished with warrants signed by the Surgeon General. The proportion of privates, first class, to privates shall not exceed two to one. To test the capacity of privates for the duties of non-commissioned officers, brigade surgeons may appoint lance corporals, who shall be obeyed and respected as corporals, but no detachment shall have more lance corporals at a time than enough to make the proportion of non-commissioned officers present for duty one to four privates.

§ 13. The hospital corps detachments of regiments and separate battalions shall be attached to regimental or battalion headquarters, unless otherwise directed by the regimental or other commander, and approved by the Surgeon General.

§ 14. The Medical Reserve Corps.

For the purpose of securing a reserve corps of competent medical officers available for military service either in the National Guard or in volunteer forces hereafter organized, and to provide examiners of recruits at points at which there is an organization of troops of the

National Guard or the Naval Reserve, but at which there is no medical officer, the Commander-in-Chief may appoint a sufficient number of assistant surgeons with rank of first lieutenants, not to exceed thirty. Appointments at such stations shall be on the recommendation of the local commander and the regimental commander, and the appointees shall be subject to the same examinations and other conditions as are required for other medical officers of the same grade.

§ 15. When an officer of the medical corps attached for duty to a regiment or battalion shall cease to reside at a station of troops, he may be transferred to the retired list, if he shall have served the requisite time, or transferred to the medical reserve corps, with his existing rank, or be honorably mustered out of the service as may be recommended by the Surgeon General.

§ 16. Officers of the medical reserve corps shall be entitled, but not required, to wear the uniform of their rank, with such distinguishing insignia as may be ordered by the Commander-in-Chief.

§ 17. No officer of the medical reserve corps shall be promoted while therein. If appointed to the medical corps he shall be subject to such examinations as the Surgeon General may prescribe in each case. Previous service in the medical reserve corps shall not count for seniority on transfer to the medical corps.

§ 18. The Naval Reserve shall have the following medical staff: One surgeon, with rank of lieutenant commander; four passed assistant surgeons or assistant surgeons; lieutenants and lieutenants junior grade, respectively; two pharmacists; four hospital stewards, twenty-four hospital apprentices. Their appointment, relative rank, promotion and all other rights and obligations shall conform to the provisions herein governing the Illinois National Guard.

#### ARTICLE XII.—THE RETIRED LIST.

SECTION 1. Any commissioned officer who shall have served for a period of ten years (including service as an enlisted man) may, upon his own request, be placed on the retired list. If such officer shall have had twenty years service in the National Guard or Naval Reserve, or shall have rendered distinguished service therein, he shall be retired with the rank next higher than that held by him at the time of his retirement.

§ 2. Commissioned officers of the National Guard or Naval Reserve shall be retired from active service and placed upon the retired list on reaching the age of sixty-four years. Every officer retired on account of reaching the age of sixty-four years shall be retired with the rank next higher than that held by him on the active list at the time of his retirement.

§ 3. Officers who may become disabled from wounds, injuries or illness, so as to be prevented from doing active service thereafter, shall, on recommendation of a retiring board of five officers, two of whom shall be medical officers, be placed upon the retired list. If such disa-

bility shall have been incurred directly in the line of duty such officer shall be retired with the rank next higher than that held by him at the time such disability was incurred.

§ 4. The Commander-in-Chief may appoint enlisted men and commission them, without examination, as second lieutenants or ensigns by brevet, upon the recommendation of their commanding officer, and place them upon the retired list at the same time, providing they have well served the State in the National Guard or Naval Reserve, or both combined, for a period of fifteen years.

§ 5. Officers on the retired list may, with their own consent, and with the approval of the Commander-in-Chief, be detailed for any duty that they may be able to perform. When on such duty they shall have the same status, in all respects, as officers of the same rank on the active list.

§ 6. A retired officer is eligible to re-enter active service subject to the same rules as to appointment, election and examination as provided for other officers, and when so re-entering the service he shall take the rank pertaining to the office to which he is appointed. Time served on the retired list, however, shall not be used in reckoning length of service for qualification in any office in the military or naval service where such qualification is prescribed.

#### ARTICLE XIII.—APPOINTMENTS, ELECTIONS AND COMMISSIONS.

SECTION 1. The Commander-in-Chief shall make all appointments to commissioned rank in the National Guard and Naval Reserve, and commissions evidencing such appointments shall be signed by him and attested and issued by the Adjutant General.

He shall select the members of his personal staff, who shall hold office during his pleasure, and appoint the general officers of the National Guard. No person shall be appointed a general officer of the line unless he shall be serving at the time of his appointment as an officer not below the grade of major of the line in the National Guard, and shall have previously served as an officer in the National Guard for not less than seven years.

§ 2. Staff officers assigned to duty on the division, brigade and regimental staffs, and staff officers of regiments and battalions shall receive their appointments on the recommendation of the commander on whose staff they are to serve in each case, and shall hold office at the discretion of their respective immediate commanders.

§ 3. No election of an officer nor recommendation for appointments of officers of any grade in the National Guard or Naval Reserve shall take effect without the approval of the Commander-in-Chief.

§ 4. Commissions to officers shall read to a certain grade in a given regiment, separate battalion, or staff corps or department. Assignment to staff, battalion or company duty shall be by order of the Commander-in-Chief. The issue of all commissions shall be subject to formal acceptance and the oath of office of the appointee to faithfully serve the State of Illinois and the United States.

§ 5. Vacancies in grade of colonel, lieutenant colonel and major of the line shall be filled by election; all company officers commissioned in the regiment, or separate battalion, shall be entitled to vote.

§ 6. Vacancies among company officers shall be filled by election in the company: *Provided, however,* that original appointments of officers in new organizations may be made by the Commander-in-Chief upon the recommendations of intermediate commanders.

§ 7. All meetings for the election of officers shall be ordered by the Commander-in-Chief. The order therefor shall be addressed to an officer of [the] National Guard or the Naval Reserve to preside at such meeting, who shall, at least one week previous thereto, send a notice thereof, by mail or otherwise, to each person entitled to a vote. If the officer designated to preside at such meeting shall not appear thereat, the senior officer present shall preside. The voting shall be by ballot and a majority of all votes cast shall be necessary to elect.

§ 8. If there shall be a failure to fill any office at two meetings ordered therefor, the Commander-in-Chief may fill the vacancy by direct appointment on recommendation of intermediate commanders.

§ 9. In company elections, except in new companies, no person shall be permitted to vote unless he shall have been a duly enlisted member of the company for not less than four months immediately preceding such election.

§ 10. Previous to company elections, the company commander shall cause to be conspicuously posted in an accessible place, for not less than one week prior to any election, a list of electors qualified to vote for company officers as provided above, which shall be officially certified by the company commander and handed to the officer presiding at such election.

§ 11. No officer who is a candidate for an office shall preside at an election to fill that office.

§ 12. No field officer of the line shall be commissioned in the National Guard without prior military service of five or more years, at least three of which shall have been in commissioned rank. The term "officer of the line" shall be held to include all officers except those whose commissions read to a staff corps or department, chaplains, and aids to the Commander-in-Chief appointed from civil life.

§ 13. All recommendations for appointments and reports of elections shall be forwarded to the Adjutant General, through intermediate commanders, who will endorse thereon their approval or disapproval, in the latter case giving their reasons.

§ 14. Officers of the Naval Reserve, line and staff, shall be elected or appointed in the same manner as is provided for officers of the National Guard, according to their assimilated rank, or staff position.

§ 15. Except where otherwise specified herein, all officers hereafter elected or appointed shall hold their respective offices until they are vacated by death, resignation or retirement, or by acceptance of another commission in the State Military or Naval service or by sentence of a general court-martial or finding of a board of officers under Art. XIV, Sec. 8, hereof: *Provided, however,* that no officer below the grade of

lieutenant colonel shall be permitted to remain in service longer than five years without re-examination, both physical and professional: *And, further, provided*, that any commander having reason to believe that an officer of his command has become physically unfit for duty may require such officer to take a physical re-examination, though no officer may be required to stand re-examination oftener than once a year.

§ 16. All appointments or promotions to grades below lieutenant colonel in National Guard or commander in Naval Reserve shall be contingent on passing such examination, as may be prescribed in regulations or general orders by the Commander-in-Chief as suitable for the grade and arm of service to which such appointment or promotion is made.

#### ARTICLE XIV.—EXAMINATIONS.

SECTION 1. The Commander-in-Chief shall provide for examinations of candidates for appointments in any grade, in any arm or staff corps or department, and adopt such system of examinations as may be most effective to insure uniform qualifications in such grades.

§ 2. The general scope of examinations shall be uniform for each grade of the line and for each grade in the various staff departments respectively, but may be modified from time to time as is found to be expedient. All examinations shall include inquiry into the personal fitness of a candidate to creditably fill the office sought.

§ 3. Each person who satisfactorily passes the examinations herein provided for shall be entitled to a certificate to that effect signed by the presiding officer of the board, and the findings of such board shall be filed in the Adjutant General's office.

§ 4. Certificates in any grade earned in advance shall hold good for two years, except that a new physical examination shall be required for appointments made over six months after such examination.

§ 5. An officer or non-commissioned officer appointed or elected to a higher grade, who has not already received a certificate from a duly constituted examining board, shall be examined as soon as practicable thereafter, but shall have at least ten days' notice of the date and place of examination.

§ 6. Applicants appearing for examination pursuant to notification shall be entitled to transportation and two days' camp pay of their grade, whether they pass such examination or not.

§ 7. Any officer of the National Guard or Naval Reserve having under his command an officer who, in his opinion, is undesirable as an officer, for any reason other than for physical disability, may recommend, through military channels, that such officer be ordered before a board of officers for investigation. Such recommendations shall fully and clearly state the facts and reasons on which such opinion of undesirability is based.

§ 8. Whenever a recommendation is made pursuant to the provisions of the preceding section, and such recommendation is approved by superior commanders, it shall be the duty of the Commander-in-Chief

to convene a board of not less than three nor more than five officers, at least one of whom shall be a medical officer, to examine into the matter of such recommendation and the desirability and qualifications of the officer who is the subject thereof, and report its findings to the Commander-in-Chief, through the Adjutant General. If the said board finds such officer to be undesirable and such finding is approved by the Commander-in-Chief, then the commission of such officer shall be vacated.

ARTICLE XV.—ENLISTED MEN.

SECTION 1. Any able-bodied man of good character between the ages of 16 and 45 years, who can read and write, and who is a citizen of the United States, or has declared his intention to become such, may be enlisted in the National Guard or Naval Reserve for a term of not less than three years.

§ 2. Chief and principal musicians, chief trumpeters and privates in bands, sergeants and privates of the hospital corps, post quartermaster and post commissary sergeants, and ordnance sergeants may be enlisted as such; the non-commissioned officers above shall not be reduced to the ranks, but may be discharged as in case of other enlisted men.

§ 3. No minor shall be enlisted without the written consent of his parent or guardian; if he have no parent or guardian, then upon the written consent of a judge of a court of record in the county in which he resides.

§ 4. A man who has been dishonorably discharged from any military or naval organization of this State, or of the United States, or of any state, territory or district of the United States, shall not be eligible for enlistment or re-enlistment, unless such dishonorable discharge shall have been revoked by competent authority.

§ 5. Men who have completed a full term of enlistment in the National Guard or naval force of any state, territory or district of the United States, or in the regular or volunteer forces of the United States, and have been honorably discharged, may re-enlist at any subsequent time in the National Guard or Naval Reserve for a term of three years, but at any time after one year, if their service in such re-enlistment has been honest and faithful, such men shall be honorably discharged, on their written application, except when on active duty under the State or the United States, or when such duty, in the opinion of the Commander-in-Chief seems imminent.

§ 6. Non-commissioned officers who re-enlist within 10 days following their discharge may be re-enlisted in their respective grades, and their warrants continued in effect as of their original dates.

§ 7. A man who is of the age of 45 years or upward and is physically fit, who has served at least one full term of enlistment in the army or navy of the United States or in the military or naval force of any state or territorial district of the United States, and who has been honorably discharged, may be enlisted or re-enlisted in the National Guard



or Naval Reserve upon the approval of the commanding officer of the regiment, unassigned battalion or crew in which he desires to be enrolled.

§ 8. All men enlisted in the State service are liable to be called into the service of the United States by the President thereof, in case of war or insurrection, and are bound to faithfully serve out the unexpired portions of their enlistments unless sooner discharged or released by the United States, and while so serving are subject to the military laws and regulations of the United States.

§ 9. Every person who enlists or re-enlists in the National Guard or Naval Reserve shall sign an enlistment paper in form prescribed by the Adjutant General, and take the following oath or affirmation, which may be administered by any commissioned officer: "I do solemnly swear (or affirm) that I will bear true allegiance to the United States and to the State of Illinois, that I will support the constitutions thereof and serve them faithfully for a term of three years from the date hereof, unless sooner discharged; that I will obey the orders of the Commander-in-Chief in either case, and of such officers as may be placed over me in either case, and the laws and regulations governing the military (or naval) forces of the State, and of the United States, so help me God."

§ 10. Enlisted men may be transferred on their own application from one organization to another by the common commander of both organizations, subject to approval of the immediate commander of each.

An enlisted man removing from the station of his company or division to that of another company or division may be transferred to the latter by the Commander-in-Chief, and required to complete his enlistment therein.

§ 11. An enlisted man who shall remove his residence to such distance from the armory of his organization as to render it impracticable for him to perform his military duties properly, or who absents himself from four successive drills without leave from his commanding officer, shall be dropped from the roll of his company, or other organization, by his commanding officer; if any man remains absent without leave from his company or other organization for a period of two months, he shall be reported as a deserter.

§ 12. An enlisted man dropped on account of removal under section 11 hereof, may be taken up in his former or any other organization within two years after such dropping, first obtaining, in the latter case, written permission of his former commanding officer. An enlisted man so taken up after being dropped shall receive credit for the time served in his unexpired enlistment.

§ 13. The officer warranting a non-commissioned or petty officer shall have power to reduce him to the ranks for good and sufficient reasons.

§ 14. Each enlisted man leaving the service for any authorized reason shall receive a formal discharge paper signed by the commander of the regiment, independent battalion or company to which he belongs, or by the commanding officer of the Naval Reserve, or if attached to the staff of a general officer, then by that officer.

Discharges from the State service shall be given to an enlisted man for the following reasons: 1. Expiration of service. 2. Upon the man's application, approved by the Commander-in-Chief. 3. Upon application of a man's immediate commander, for the good of the service, approved by the Commander-in-Chief. 4. By sentence of a court-martial, approved by the officer convening the court. 5. Upon conviction of a felony by a civil court.

§ 15. Discharges shall be either "honorable," "dishonorable," or "without honor."

a. Honorable discharges shall be given to men whose service has been honest and faithful, and to whom a character of "good," or better, has been given by their respective immediate commanders.

b. Dishonorable discharges shall be given to men by sentence of a general court martial, and to men who have been convicted of a felony by a civil court.

c. Discharges without honor shall be given to men whose service has not been honest and faithful. In each case, the man shall be given sufficient notice, and an opportunity to make a defense, in such manner as shall be provided in regulations. Men so discharged shall not be permitted to re-enlist except by order of the Commander-in-Chief.

§ 16. Men who may be hereafter dishonorably discharged under the provisions of this Act shall be ineligible to hold any elective or appointive office, position or employment in the service of the State of Illinois, or any municipality thereof, for a period of five years, unless such disability be removed by the Governor.

#### ARTICLE XVI.—PAY AND ALLOWANCES.

SECTION 1. The Adjutant General, in his capacity as Paymaster General, is charged with all disbursements of pay and allowances for service of troops.

§ 2. The Adjutant General shall receive \$5,000 per year.

The adjutant general who is the chief assistant to The Adjutant General, and the assistant quartermaster general, shall each receive \$3,500 per year; the captain and assistant quartermaster in charge of the State arsenal shall receive \$1,500 per year.

§ 3. When in actual service of the State, under orders of the Commander-in-Chief, officers of the National Guard and the Naval Reserve, except officers on permanent duty and receiving a regular salary, shall receive the same pay as provided by law for officers of the United States army and navy of like grade, including longevity pay. Chief musicians and veterinarians shall receive the pay of like grades in the United States service.

§ 4. Enlisted men of the National Guard and Naval Reserve shall receive per day, for services actually performed when on active service for suppression of riot and for the enforcement of the laws, according to their respective grades as follows:

a. Sergeants major, quartermaster, commissary and ordnance sergeants, of or attached to the division, brigades, regiments or separate battalions; first class signal and hospital corps sergeants, chief trumpeters and principal musicians, first sergeants and company quartermaster sergeants, drum majors and color sergeants in the National Guard, and chief petty officers and petty officers, first class, in the seaman branch of the Naval Reserve, \$2.75.

b. Battalion sergeants major and trumpeter sergeants, chief mechanics of batteries, sergeants of the hospital and signal corps, and of the line in the National Guard, petty officers, first class, except in the seaman branch, and petty officers, second class, in the Naval Reserve, \$2.60.

c. Corporals, cooks, musicians and mechanics in the National Guard and petty officers, third class, and buglers, in the Naval Reserve, \$2.25.

d. Privates and seamen, all grades, \$2.00.

§ 5. For each day's service at any encampment, practice march, field maneuver or cruise or other necessary military duty not specified in the preceding section, ordered by the Commander-in-Chief, enlisted men shall receive one dollar (\$1.00).

§ 6. Transportation and subsistence for all officers and men on duty under sections 3, 4 and 5 of this article shall be furnished by the State.

§ 7. The Commander-in-Chief may put officers on necessary military duty, with their consent in each case, at less rates than given in sections 3 and 4.

§ 8. Necessary horses for use of officers and enlisted men whose duty requires them to be mounted, shall be obtained and furnished by the quartermaster general, with approval of the Commander-in-Chief, by direct hire, or by money allowance to commands or individuals, or otherwise, as may be most economical in any case. The State shall provide a reasonable allowance for mounts required for Memorial Day parades.

§ 9. When officers or enlisted men of the National Guard and Naval Reserve are on duty at camps of instruction, field maneuvers or cruises, held pursuant to orders of the War Department (and receive pay and allowances from the United States for such duty) they shall receive from the State of Illinois the difference between such pay and allowances and those provided for like duty in sections 3, 5 and 6 of this article.

§ 10. Any officer or enlisted man of the National Guard or Naval Reserve who may be wounded or disabled in any way, while on duty and lawfully performing the same, so as to prevent his working at his profession, trade or other occupation from which he gains his living, shall be entitled to be treated by an officer of the medical department detailed by the surgeon general, and to draw one-half his active service pay, as specified in sections 3 and 4 of this article, for not to exceed thirty days of such disability, on the certificate of the attending medical officer; if still disabled at the end of thirty days, he shall be entitled to draw pay at the same rate for such period as a board of three medical officers,

duly convened by order of the Commander-in-Chief, may determine to be right and just, but not to exceed six months, unless approved by the State Court of Claims.

§ 11. In every case where an officer or enlisted man of the National Guard or Naval Reserve shall be injured, wounded or killed while performing his duty as an officer or enlisted man in pursuance of orders from the Commander-in-Chief, said officer or enlisted man, or his heirs or dependents, shall have a claim against the State for financial help or assistance, and the State Court of Claims shall act on and adjust the same as the merits of each case may demand. Pending action of the court of claims, the Commander-in-Chief is authorized to relieve emergency needs upon recommendation of a board of three officers, one of whom shall be an officer of the medical department.

§ 12. Officers of the medical department who attend cases of injury or illness incurred in the line of duty under section [s] 10 and 11 of this article shall be entitled to such reasonable compensation in each case as the circumstances may warrant, as approved by the Surgeon General and the Commander-in-Chief.

§ 13. Necessary hospital charges incurred in cases stated in sections 10 and 11, and for beds in open or general wards, shall be paid by the State on proper vouchers made out by the attending medical officer, approved by the Surgeon General.

§ 14. All payments under sections 10, 11, 12 and 13 of this article shall be [be] made from the military emergency fund, on proper proofs and vouchers being submitted.

#### ARTICLE XVII.—UNIFORMS, ARMS AND OTHER PUBLIC PROPERTY.

SECTION 1. The uniforms of the National Guard and Naval Reserve shall be the same as those of the United States army and navy, respectively, except that they shall be clearly distinguished therefrom by the letters, "Ill." worn on the coat collars or otherwise, as directed by the Commander-in-Chief.

§ 2. No uniforms, arms, equipment or other articles of public property may be loaned or issued to any one, except as provided by law and regulations, nor removed from the armory of any command to which they have been issued, or other authorized place of storage, except for use in active or other service, authorized by the Commander-in-Chief, or except upon written authority of the commanding officer of any regiment, unassigned battalion, or the commanding officer of the Naval Reserve.

§ 3. Under such regulations as he may prescribe, the Commander-in-Chief may authorize the issue to officers for use on military duty only, of such arms and equipments as may be on hand.

§ 4. The Commander-in-Chief shall require that a bond in a suitable amount, payable to the People of the State of Illinois, shall be given by an approved surety company for any officer accountable for public property, for its proper care and use as provided herein or by regulations, and

for its return upon demand of competent authority in good order and condition, fair wear and tear and unavoidable loss excepted, subject to the recommendation of a surveying officer, approved by the Commander-in-Chief. The charges and expense of all bonds provided for in this Act shall be paid by the State.

§ 5. Subject to the approval of the Commander-in-Chief, the quartermaster general is authorized to purchase such uniforms and other equipment for officers as may be necessary from time to time, from the United States Government under provision of law, and to sell the same for cash to officers of the National Guard or Naval Reserve for their use in the military service, at the net delivered cost to the State.

§ 6. All officers to whom military or naval property of the State or of the United States may be intrusted, shall be pecuniarily responsible therefor, under such regulations as may be prescribed by the Commander-in-Chief.

§ 7. Articles of clothing, equipment or other property issued to officers or enlisted men and not accounted for, shall be charged against the person accountable at the official cost prices, unless he is relieved of responsibility therefor by a board of survey or survey officer.

§ 8. In case of loss of, or damage to, public property, a survey shall be ordered, under such regulations as may be prescribed by the Commander-in-Chief, to determine the responsibility for such loss or damage, and no officer shall be relieved from either accountability or responsibility for such property, except on the recommendation of a disinterested surveying officer, or board, duly detailed to investigate such loss or damage.

All property or stores found unserviceable by such survey shall be disposed of in the manner prescribed by the U. S. Army or Navy regulations.

#### ARTICLE XVIII.—ARMORIES AND RIFLE RANGES.

SECTION 1. No military or naval organization shall be maintained by the State at any station, town, or city, unless there be there an available and suitable hall for drills, together with necessary and adequate company assembly rooms, store and locker and other rooms as may be required by the Commander-in-Chief.

§ 2. Armories of the naval force shall be situated immediately on or near navigable waters of the State, in such position as best to promote the efficiency of the service. The word "armory," as used in any part of this Act when applied to the naval force, shall be held to include vessel, boathouse or dock, used as an armory or for the purpose of instruction, drill and defense.

§ 3. The armory of each regiment, battalion, company, ship's crew or division shall be subject to the order of the Adjutant General and be under the charge of its commanding officer, who shall keep therein all property furnished by the State; no company or division shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit.

§ 4. All target ranges belonging to or leased by the State shall be administered by the Adjutant General. Gallery ranges shall be maintained at all armories occupied by State troops, and every command shall be given suitable instruction in marksmanship under direction of the division commander, and regulations as authorized by the Commander-in-Chief.

§ 5. Such number of officers as may be needed shall be detailed for duty as range officers and for administration work at rifle ranges during the season of small arms practice, as approved in each case by the Commander-in-Chief.

§ 6. The Commander-in-Chief may institute a post organization and administration at any rifle range or station, as may be for the best interests of the service.

#### ARTICLE XIX.—PARADES, DRILLS AND FIELD SERVICE.

SECTION 1. With the approval of the Commander-in-Chief, the major general commanding the National Guard and the captain commanding the Naval Reserve shall regulate the number and character of drills and exercises for organizations of their respective commands while at their home stations, and shall issue necessary general orders therefor: *Provided*, that there shall not be less than forty drills at home stations each year.

§ 2. The Commander-in-Chief may order a tour of camp or field duty for the National Guard, or camp duty or cruise for ships' crew or divisions of the Naval Reserve of not less than eight nor more than twelve days annually, and may extend the time for such tours a greater number of days than twelve without expense to the State for pay and subsistence for such number of days exceeding twelve.

§ 3. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade, any member of his command who shall disobey a superior officer or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command and expel him from the limits of the camp or confine him under guard if he deems it necessary, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment, and maintain such prohibition by force, if necessary: *Provided, however*, that nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place of business shall have been located within the limits named before the beginning of said encampment.

§ 4. If any person shall molest, interrupt or insult, by abusive words or behavior or shall obstruct any officer or soldier or seaman while on duty at any parade or drill, he may be put immediately under guard, and kept, at the discretion of the commanding officer, until the duty,

parade or drill is concluded, and such commanding officer may turn over such person to any sheriff, or to a police officer or constable of a county, city or town wherein such duty, parade or drill is held, to be dealt with as the law directs.

ARTICLE XX.—MILITARY OFFENSES.

SECTION 1. Every officer who knowingly enlists or musters into the military or naval service of the State of Illinois any minor over the age of 16 years without the written consent, provided for in Sec. 3, Art. XV hereof, or any minor under the age of 16 years, or any person who is disqualified to enlist under this Act, may be punished as a court martial shall direct.

§ 2. Any officer or enlisted man in the military or naval service of the State who knowingly makes any false certificates or return to any superior officer authorized to call for such certificate or return, as to the state of his command, or as to the quartermaster, subsistence or ordnance stores to it issued, or any officer who knowingly musters any officer or enlisted man by other than his proper name, or who permits any officer or enlisted man to substitute or sign another name than his own, or who enters the name of any man not duly or lawfully commissioned or enlisted on any muster or pay-roll of the State of Illinois, or of the United States, or who certifies falsely as to any actual duty performed or amounts due, or who in any other way makes or permits any false muster or return, or who, having drawn money from the State for public use, shall apply the same or any part thereof to any use not duly authorized, may be punished as a court martial shall direct.

§ 3. Any officer or enlisted man who wilfully or through neglect suffers to be lost, spoiled or damaged any quartermaster, subsistence or ordnance stores for which he is responsible or accountable, or who secretes, sells or pawns, or attempts to secrete, sell or pawn, any such stores or any other military property of the State of Illinois, or by it issued, may be punished as a court martial shall direct.

§ 4. Any officer or enlisted man who behaves himself with disrespect toward his superior while in the line of his duty, may be punished as a court martial shall direct.

§ 5. Any officer or enlisted man, who, on any pretense whatsoever strikes his superior or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior, may be punished as a court martial shall direct.

§ 6. Any officer or enlisted man, not on leave of absence or furlough, who shall fail to report at any formation of his organization, may be punished as a court martial shall direct.

§ 7. Any officer who is guilty of conduct unbecoming an officer and a gentleman, may be punished as a court martial shall direct.

§ 8. Any officer or enlisted man who shall be guilty of any disorder or neglect or of other conduct prejudicial to good order and military discipline, whether mentioned or not in the foregoing sections, may be punished as a court martial shall direct.

§ 9. Any officer or enlisted man who wilfully absents himself for a continuous period of two months from the drills or other formations of his organization, except in time of public disorder or danger, as hereinafter defined, shall be deemed guilty of desertion and may be punished as a court martial shall direct.

§ 10. Any officer or enlisted man who wilfully fails or refuses to report with his organization or quits the same without due authority, when the same shall be called into the active service of the State of Illinois in time of public disorder or danger as hereinafter defined, shall be deemed guilty of desertion and may be punished as a court martial shall direct.

§ 11. Any officer or enlisted man who, while in the active service of the State of Illinois, in time of public disorder or danger, as hereinafter defined, shall commit larceny, robbery, burglary, arson, mayhem, manslaughter, murder, rape, assault and battery, or assault and battery with intent to commit rape, assault and battery with intent to kill, or wounding by shooting or stabbing with intent to commit murder, may be punished as a court martial shall direct. Should any member of the National Guard or Naval Reserve of Illinois, either an enlisted man or commissioned officer, while in the discharge of his duty on active service in pursuance of orders from a superior authority, take life or injure any person or persons or property in such discharge of his duty, the act or acts upon the part of such enlisted man or commissioned officer shall be deemed to be justifiable and lawful and he shall not be prosecuted therefor in any court or incur any civil liability by reason thereof.

#### ARTICLE XXI.—COURTS MARTIAL.

SECTION 1. Orders convening a general court martial may be issued by the Commander-in-Chief, or by the division commander within his own command. Such orders shall name the members of such court, which court shall consist of from five to thirteen commissioned officers.

§ 2. Only a general court martial shall be competent to try a commissioned officer, or a warrant officer of the Naval Reserve. When it can be avoided, no officer shall be tried by officers inferior to him in rank, and in no event by officers inferior to him in rank belonging to his own regiment, separate battalion or corps.

§ 3. The commanding officer of the division, or any brigade, regiment, unassigned battalion, ship's crew or detached company or other independent organization, or post, may appoint a summary court martial, to consist of one commissioned officer of his command for the trial of enlisted men of his command.

§ 4. A general court martial shall have authority and jurisdiction to try officers and enlisted men for any of the offenses enumerated in article XX of this Act.

Upon the conviction by a general court martial of any officer or enlisted man of any of the offenses, enumerated in sections 1 to 9, both inclusive, of article XX of this Act, such general court martial may im-



pose one or more of the following punishments: Cashiering and dismissal of officers, reduction of non-commissioned officers to the ranks, reprimand, dishonorable discharge in the case of enlisted men, fine not exceeding one hundred dollars, imprisonment not exceeding thirty days in a military guard house or in the county jail of the county in which the immediate organization of the accused is permanently located, or both such fine and imprisonment.

§ 5. Upon conviction by general court martial of any officer or enlisted man for the offense of desertion as defined in section 10 of article XX of this Act, such general court martial shall dismiss or dishonorably discharge the offender from the service, and shall have the power and jurisdiction to impose a fine of not exceeding \$500 or imprisonment in a military guard house or in the county jail of the county in which the immediate organization of the accused is permanently located for not exceeding six months, or both such fine and imprisonment.

§ 6. A general court martial ordered to try an officer or an enlisted man for any of the offenses enumerated in section 11 of article XX of this Act, shall be a full court of thirteen members, and, in case of conviction, such general court shall impose a sentence upon the accused of the same kind and degree as is provided by the criminal code of the State of Illinois for the like offense in each case.

§ 7. In any trial under the preceding section, (sec. 6) the State's attorney of the county where the offense is alleged to have been committed, or his representative, shall have the same right to be present at all sessions of any such court martial as the judge advocate of the court, and to produce evidence and to examine and cross examine all witnesses.

§ 8. A summary court martial shall have authority and jurisdiction to try enlisted men for any minor offenses enumerated in sections 1 to 8, both inclusive of article XX of this Act. Such summary court martial may, upon conviction, impose one or more of the following punishments: Reprimand, forfeiture of whole or part of pay, fine not exceeding \$5.00, or in default of payment after approval, imprisonment not exceeding five days in a military guard house, or in the county jail of the county in which the immediate organization of the accused is permanently located.

§ 9. All proceedings by court martial shall be conducted in the same manner and by the same rules and methods of procedure, as nearly as may be, as are prescribed for courts martial in the United States army. In such trials by general courts martial the accused shall be entitled to be represented by counsel by him employed, or by a suitable officer of the Illinois National Guard or Naval Reserve, to be designated by said court, or detailed by the officer convening the same, at the request of the accused.

§ 10. All proceedings of courts martial shall be forwarded to and receive approval of the officer ordering the same before sentence shall go into effect; and such officer may remit, mitigate or commute such sen-

tence. No sentence of dismissal of an officer, or which includes a fine of more than \$100, or imprisonment for more than thirty days, shall take effect without the approval of the Commander-in-Chief.

§ 11. Witnesses for the prosecution or defense may be summoned to attend by subpoena signed by the judge advocate. Any witness, duly summoned, who shall fail to appear and testify, may be arrested on warrant of the president of the court, directed to the sheriff or any constable, and treated as in like cases before civil courts. The fees of all witnesses not in the military service of the State shall be the same as allowed in civil cases, and shall be added to the necessary expenses of the judge advocate and the court, by the president thereof. The Auditor of Public Accounts is hereby authorized and directed to issue his warrant for the payment of the above fees and expenses, the same to be certified to by the Adjutant General and approved by the Commander-in-Chief. All such sums so certified and approved shall be payable from the appropriation made for ordinary and contingent expenses of the Illinois National Guard. The warrant shall be made payable to the judge advocate, who shall pay all the expenses of the trial from the proceeds thereof.

§ 12. All or any fines assessed by general or summary courts martial may be charged against any drill or field service or other credit due to the person so fined, so far as such credit suffices to pay the same, and any balance still due may be collected as in section 13 of this article.

§ 13. Whenever the sentence of a general court martial shall include a fine, and such sentence shall have been approved by the officer ordering such court the Adjutant General shall issue a warrant for the collection of such fines, directed to the sheriff or any constable of the county wherein the person against whom such fine is imposed resides, and such officer shall collect such fine in the same manner as he is authorized to collect debts in civil suits; and he shall make return within twenty days after receiving the same to the Adjutant General. In default of the payment of such fine, or if the officer executing such warrant shall certify that there is no property of the defendant out of which to satisfy such warrant, the Adjutant General shall issue a warrant of commitment, directed to such sheriff or constable, who shall forthwith take the body of such delinquent, convey him to the common jail of such county and make return thereof to the Adjutant General.

Such warrant of commitment for such default shall specify the amount in dollars of the said fine, and such delinquent shall remain in the custody of the keeper or warden of such common jail the same number of days as there are dollars of said fine unpaid.

Warrants for the collections of fines imposed by summary courts, and warrants for commitment for non-payment thereof, shall be issued by the officer appointing such summary court.

§ 14. Whenever the sentence of a general court martial shall be or include imprisonment in a county jail, or in a State penitentiary, and such sentence shall have been approved by the officer ordering such court, the Adjutant General shall issue a warrant of commitment, directed to

the sheriff of the county wherein the defendant resides, who shall forthwith take the body of such defendant, convey him to the county jail or State penitentiary mentioned in said warrant, and make return thereof to the Adjutant General.

All such warrants of commitment shall be accompanied by a copy of the finding of such court, as approved by the officer ordering the same, certified as a true copy by the Adjutant General, and the same shall be sufficient authority to the sheriff of the county or the warden of the penitentiary to imprison such convicted person.

If such sentence shall be, or include imprisonment in a military guard house, such sentence shall be executed by order of the officer approving such sentence.

§ 15. It shall be the duty of the keepers and wardens of all county jails to receive and confine all military offenders, when delivered by such sheriff or constable, under such warrant or commitment, for and during the term of sentence set forth in such commitment, or for an equal number of days as there are dollars in any fine so defaulted in payment.

§ 16. All fines levied and collected under the provisions of this article shall be paid to the Treasurer of the State, who shall credit the same to the military fund of the State.

§ 17. For each day's duty, as a member of a general court martial, or as a witness or a defendant under summons from the president or judge advocate of a court martial, officers and men shall be paid as provided in sections 3 and 5 of article XVI hereof.

§ 18. Judge advocates of general courts martial and summary court officers are empowered to administer oaths to witnesses before such courts and to take such depositions as may be required for use in military trials. Such officers and all adjutants are empowered to take acknowledgments and oaths to affidavits pertaining to the loss or damage to property, to applications for discharge, and in general to any military documents or business which would otherwise require the action of a civil officer authorized by law to take acknowledgments. Such oaths, affidavits and acknowledgments shall have the same legal force and effect as if taken by a civil officer now authorized by law to take acknowledgments. Depositions of witnesses residing outside the State of Illinois may be taken before any civil officer authorized by law to take the same, upon reasonable notice given. Such depositions may be either upon oral or written interrogatories.

Oaths of office to any military or naval officer in the service of this State may be administered by any commissioned officer thereof.

The presiding officer, or recorder, of any military board duly appointed to conduct any investigation or survey, or an officer detailed for such purpose may likewise administer oaths to any witness attending to testify in such investigation.

## ARTICLE XXII.—MOBS, RIOTS AND DISTURBANCES.

SECTION 1. Whenever there is in any city, town or county a tumult, riot, mob or body of men acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force or violence to break or resist the laws of the State, or when such tumult, riot or mob is threatened it shall be deemed that a time of public disorder and danger then exists, and it shall be the duty of the Governor thereupon to order such military or naval force as he may deem necessary, to aid the civil authorities in suppressing such violence and executing the law.

§ 2. Whenever any military or naval force shall be so ordered out by the Commander-in-Chief, the commanding officer thereof may arrest any person or persons in view without process and hold them in custody until, by order of the Commander-in-Chief, such person or persons shall be discharged from custody or delivered over to the civil authorities. Such commanding officer may also use such force as he may deem necessary to suppress riots, disperse mobs, restore peace and execute the law.

§ 3. Orders from civil officers to any military or naval commander shall specify only the work to be done or result to be attained, and shall not include the method to be employed, as to which the military or naval officer shall exercise his discretion and be the sole judge as to what means are necessary.

§ 4. Whenever twelve or more persons, any of them armed with clubs or dangerous weapons, or thirty or more, armed or unarmed are unlawfully, riotously or tumultuously assembled in any city, village or town, it shall be the duty of each of the municipal officers, constables and justices of the peace, and of the sheriff of the county and his deputies, and of the commanding officer of such military force as may be present on duty, or any or either of them, to go among the persons so assembled, or as near them as safety will permit, and in the name of the State command them immediately to disperse; and if they do not obey, every person refusing to disperse shall be deemed one of such unlawful assembly, and shall be fined not exceeding \$500 and confined in the county jail not exceeding one year; and each officer having notice of such unlawful assembly and refusing or neglecting to do his duty in relation thereto, as aforesaid, shall be fined not exceeding \$200.

When persons so unlawfully assembled neglect or refuse, on command, as aforesaid, to disperse, it shall be the duty of each of the above municipal or military authorities, or either of them, to forthwith suppress such assembly and disperse the persons composing it, in such manner as may be most expedient.

If in the efforts made as aforesaid to suppress such assembly, and to arrest and secure the persons composing it who neglect or refuse to disperse, though the number remaining be less than twelve, any such persons, or any persons, present as spectators or otherwise, are killed or wounded, said magistrates, officers, military force, and persons acting with them or by their order, each and all of them, shall be held guiltless of any crime, and justified in law.

§ 5. It shall be unlawful for any person to assault or fire upon, throw a missile at, against or upon any member or body of the National Guard or Naval Reserve, or civil officer or other person lawfully aiding them, when going to, returning from or performing any duty under the provisions of this article, and any person so offending shall be guilty of a felony, and may on conviction be imprisoned in the penitentiary for not less than two nor more than five years.

§ 6. If any portion of the National Guard or Naval Reserve, or person lawfully aiding them in the performance of any duty are assailed, assaulted, attacked, or in imminent danger thereof, the commanding officer of such National Guard or Naval Reserve may at once proceed to quell such attack and disperse the attacking parties, and take all other steps for the safety of his command that he may deem necessary.

§ 7. If any member of the National Guard or Naval Reserve in the performance of his military duty, or in pursuance thereof, and while acting in his capacity as a member of the National Guard or Naval Reserve, shall kill, wound, maim or injure any person, or shall cause, order or direct the killing, wounding, maiming or injuring of any person, or the injury, destruction or confiscation of any property, real or personal, it shall be the duty of the officer commanding the military force of which such member is a part, as soon as possible thereafter, to convene a board of inquiry, to consist of not less than two nor more than five commissioned officers of the military or naval force, who shall examine and inquire into the facts in connection with, or in relation to the act or acts to be inquired of, and take the substance of the proof or evidence of the witnesses to, and participants in, such acts or acts down in writing, and transmit the same, together with their findings and conclusions from the facts adduced before said board to the Adjutant General through military channels.

The findings of said board shall include one of the following recommendations, to-wit: That the officer or enlisted man under investigation be brought to trial before a general court martial, or that he be wholly exonerated and acquitted of responsibility for his said acts, or that he be turned over to the civil authorities to be dealt with as the law directs.

The officer commanding said military force may cause the arrest of any member of the National Guard or Naval Reserve so killing, wounding or injuring any person or persons, or of the officer, or the non-commissioned, petty or warrant officer directly responsible therefor, by reason of orders given by him in the execution of his military duty, or otherwise, and hold him in arrest until he shall be discharged by competent authority.

§ 8. If any member of the National Guard or Naval Reserve shall be prosecuted by civil or criminal action for any act performed or committed by such member, or any act caused, ordered or directed by such member to be done or performed in furtherance of and while in the performance of his military duty, all the expense of the defense of such action or actions, civil or criminal, including attorney's fees, witnesses'

fees for the defense, defendant's court costs, and all costs for transcripts of records and abstracts thereof on appeal by the defense, shall be paid by the State: *Provided*, that the Attorney General of the State shall be first consulted in regard to, and approve, of the selection of the attorney for the defense: *And, provided, further*, that the Attorney General of the State may, if he sees fit, assume the responsibility for the defense of such member and conduct the same personally or by any one or more of his assistants.

§ 9. The expenses of such defense, as provided for in the preceding section, shall be paid by the Adjutant General out of the military emergency or other military fund of the State, upon vouchers and bills approved by the Attorney General.

#### ARTICLE XXIII.—GENERAL PROVISIONS.

SECTION 1. No part of the land or naval forces shall leave the State with arms and equipments without the consent of the Commander-in-Chief.

§ 2. It shall not be lawful for any body of men other than the regularly organized volunteer militia of this State, troops of the United States, Grand Army posts, camps of the Sons of Veterans or organizations of ex-soldiers of the Spanish-American war or Philippine insurrection to associate themselves together as a military company or organization, to drill or parade with arms in this State, except as hereinafter authorized: *Provided*, that by and with the consent of the Governor, independent regiments, battalions or companies, organized for the purpose of recreation or to acquire military knowledge that may better enable them to serve the State in time of public peril, if such should arise, may associate themselves together as a military body or organization and may drill or parade with arms in public in this State: *Provided, further*, that students of educational institutions, where military drill is a part of the course of instructions, may, with the consent of the Governor, drill and parade with arms in public under command of their military instructor: *Provided*, that nothing herein contained shall be construed so as to prevent benevolent or social organizations from wearing swords. All military organizations in and by this section permitted to drill and parade with arms, shall, on occasions of public parade, be required to carry the United States flag in addition to any private ensign which they may carry: *Provided*, that the consent herein specified may be withdrawn at the pleasure of the Governor.

§ 3. Whoever offends against the provisions of the preceding section or belongs to, or parades with, any such unauthorized body of men with arms shall be punished by a fine not exceeding the sum of one hundred dollars (\$100), or by imprisonment in the common jail for a term not exceeding six months, or both.

§ 4. A person who, either by himself or with another, wilfully deprives a member of the National Guard or Naval Reserve of his employment, or prevents his being employed by himself or another, or obstructs

or annoys said member of said National Guard or Naval Reserve or his employer in respect of his trade, business or employment, because said member of said National Guard or Naval Reserve is such member, or dissuades any person from enlistment in the said National Guard or Naval Reserve by threat of injury to him in case he shall so enlist, in respect of his employment, trade or business, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500). And it shall be the duty of the State's attorney of the county wherein said information is made or offense committed, to prosecute said action in the name of the People of the State of Illinois.

§ 5. Any person not a member of the army or navy of the United States, or of the national guard or naval reserve of one of the states, or of the Grand Army of the Republic or other patriotic military societies, or independent military organizations as authorized under section 2 of this article, who shall wear any uniform or designation of rank in use by the national guard and naval reserve, used or authorized in this Act, be guilty of a misdemeanor, and, upon conviction, shall be fined in the sum of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100). Such offender shall be proceeded against as in the case of other misdemeanors under the statute, and the person so fined shall be committed as provided by law.

All fines collected under this section shall be transmitted by the officer or magistrate collecting the same to the State Treasurer, for the benefit of the military fund.

§ 6. It shall be the duty of the State's attorney of the county wherein any person shall be imprisoned in pursuance of a conviction under any provision of this Act, to resist before the courts any application for a writ of *habeas corpus* that may be prosecuted by such person so convicted.

§ 7. The word "officer," as used in this Act, means any commissioned officer of the land and naval forces of the State, and the words "enlisted man" as used in this Act, means all other members of the land and naval forces of the State.

§ 8. The words "battalion" and "company," when used in this Act in a general sense, apply to a squadron, troop or battery of the National Guard, or to a division of the Naval Reserve, as the case may be.

§ 9. The following Acts are hereby repealed:

(1) An Act entitled, "An Act to provide for the organization of the State militia and entitled, 'The Military Code of Illinois,'" approved May 28, 1879, as amended by an Act approved June 26, 1885, and as further amended by an Act approved June 15, 1887, and as further amended by an Act approved June 22, 1891, and as further amended by an Act approved June 21, 1895.

(2) An Act entitled, "An Act to revise the military and naval code of the State of Illinois," approved June 11, 1897.

(3) An Act entitled, "An Act to revise the military code of the State of Illinois," approved April 24, 1899, as amended by an Act approved May 11, 1901.

(4) An Act entitled, 'An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, as amended by an Act approved May 28, 1907.

(5) All other Acts and parts of Acts in conflict herewith.

APPROVED June 10, 1909.

## TOWNSHIP ORGANIZATION.

### TOWN OFFICERS—BIENNIAL ELECTIONS.

§ 1. Term of clerk, assessor and collector two years.		§ 2. Repeal.
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(HOUSE BILL No. 59. APPROVED JUNE 14, 1909.)

*AN ACT to provide for the election of town clerks, township assessors and township collectors in counties under township organization and to fix their term of office.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the town clerks, township assessors and township collectors elected at the annual town meetings in their respective towns in the counties now under township organization, on the first Tuesday of April, 1910, and every two years thereafter and in counties which may hereafter adopt township organization, shall hold their offices for two years, and until their successors are elected and qualified, and the term of said office is fixed at two years.

§ 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

APPROVED June 14, 1909.

### TOWN OFFICERS—COMPENSATION.

§ 1. Amends section 1, Act of [1874.]		§ 1. As amended, increases per diem of town clerk and supervisor.
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(HOUSE BILL No. 275. APPROVED JUNE 10, 1909.)

*AN ACT to amend section 1 of article XV of an Act entitled, "An Act to revise the law in relation to township organization," approved and in force March 4, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article XV of an Act entitled, "An Act to revise the law in relation to township organization," be and the same is hereby amended to read as follows:

§ 1. The following town officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town in the duties of their respective offices:



1. The town clerk and supervisor shall receive for their services three dollars per day when attending to town business out of town and two dollars and fifty cents for town business in their town. This additional pay per diem to include the supervisors and assistant supervisors who are residents of the county seat while the board of supervisors are in regular session or engaged in regular committee work: *Provided*, that the supervisors, when attending to their duties as overseers of the poor, shall be regarded as town officers, and their compensation for services as such overseers of the poor shall be fixed by the town board of auditors and be paid out of the town fund and a tax levy be made to cover same at the annual town meeting. The compensation of the overseer of the poor to be fixed at the annual meeting in March each year: *And, provided, further*, that the town clerk shall receive fees, and not a per diem, for the following services.

For serving notices of election upon town officers, as required by law, twenty-five cents each.

For filing any paper required by law to be filed in his office, ten cents each.

For posting up notices required by law, twenty-five cents each.

For recording any order or instrument of writing authorized by law, eight cents for each one hundred words.

For copying any record in his office, and certifying to the same, eight cents for every one hundred words, to be paid by the person applying for the same.

For copying by-laws for posting or publication, eight cents for each one hundred words, to be paid by the town.

The town assessor shall receive for his services same per diem as before.

2. The pound master shall be allowed the following fees for his services, to-wit:

For taking into the pound and discharging therefrom horses, asses, mules and meat cattle, ten cents each; sheep or lambs, three cents each; and swine, large or small, five cents each.

He may also be allowed to receive his reasonable charges for the keeping of such animals. The amount which he shall charge therefor may be regulated by the town meeting.

3. The officers composing the board of appointment, in case of vacancy, when they shall meet for that purpose, and the officers composing the board of town auditors, shall each be entitled to one dollar and fifty cents a day for their services.

4. No justice of the peace or town officer shall be entitled to any fee or compensation from any individual elected or appointed to a town officer [office] for administering to him the oath of office.

APPROVED June 10, 1909.

## WILLS.

## APPEALS—EVIDENCE.

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| § 1. Amends section 13, Act of 1872. | § 13. As amended, either party may appeal. |
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(SENATE BILL NO. 22. APPROVED JUNE 5, 1909.)

AN ACT to amend section 13 of "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 13 of an Act entitled, "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

§ 13. When the probate of any will and testament shall have been allowed or refused by any county or probate court, and an appeal shall have been taken from the order or decision of such court, allowing or refusing to admit such will to probate, into the circuit court of the proper county, as provided by law, it shall be lawful for the party seeking probate of such will to support the same, on hearing in such circuit court, by any evidence competent to establish a will in chancery; and in case probate of such will shall be allowed on such appeal, it shall be admitted to probate, liable, however, to be subsequently contested, as provided in the case of wills admitted to probate in the first instance.

APPROVED June 5, 1909.

## FOREIGN WILLS—ADMISSION TO PROBATE.

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|--------------------------------------|---|
| § 1. Amends section 10, Act of 1872. | § 10. As amended, adds provision concerning situs of specialty debts. |
|--------------------------------------|---|

(SENATE BILL NO. 265. APPROVED JUNE 10, 1909.)

AN ACT to amend section 10 of an Act entitled, "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 10 of an Act entitled, "An Act in regard to wills," approved March 20, 1872, in force July 1, 1872, be amended so as to read as follows:

§ 10. All wills, testaments and codicils, which heretofore have been or shall hereafter be made, executed and published out of this State, may be admitted to probate in any county in this State in which the testator may have been seized of lands or other real estate, or in which his personal estate or part thereof shall lie, at the time of his death, in the same manner, and upon like proof, as if the same had been made, executed and published in this State, whether such will, testament or codicil has first been probated in the state, territory or country in which

it was made and declared or not. And all original wills, or copies thereof, duly certified according to law, or exemplifications from the records, in pursuance of the law of Congress in relation to records in foreign states, may be recorded as aforesaid, and shall be good and available in law, the same as wills proved in such county courts. For the purpose of granting administration of both testate and intestate estates, the situs of specialty debts shall be where the instrument happens to be, and of simple contract debts and other choses in action where the debtor resides.

APPROVED June 10, 1909.

#### PROBATE OF WILLS WITHOUT NOTICE.

§ 1. Amends Act of 1897 by adding proviso concerning appearance and waiver of notice.

(HOUSE BILL NO. 363. APPROVED JUNE 8, 1909.)

AN ACT to amend an Act entitled, "*An Act in relation to the probate of wills,*" approved June 3, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "*An Act in relation to the probate of wills,*" approved June 3, 1897, in force July 1, 1897, be amended to read as follows:

That before any will shall be admitted to probate the person desiring to have the same probated shall file a petition in the probate court of the proper county asking that said will be admitted to probate, which petition shall state the time and place of the death of the testator and the place of his residence at the time of his death, also the names of all of the heirs-at-law and legatees, with the place of residence of each, when known, and when unknown the petition shall so state, and the said petition shall be verified by the affidavit of the petitioner. And thereupon the clerk of said county court shall send by mail to each of said parties a copy of said petition, within five days after the filing thereof, and not less than twenty days prior to the hearing on said petition. And in case the postoffice address of any of said parties is not shown by the said petition, then publication shall be made for at least three weeks before the day set for the hearing in a newspaper of general circulation published in the county where said will is to be offered for probate, which publication notice shall contain the name of the testator, the heirs-at-law and legatees, when known, the time and place where said will is to be offered for probate: *Provided*, that in case such a petition is not filed and a will has been deposited in said county court for the space of 10 days, then it shall be the duty of the county court to proceed to probate said will without petition being filed, but only after having caused publication and notice of the intention to probate said will to be given to the parties in interest as to the court may seem proper: *And, provided, further*, that if, on the presentation of such petition, all of the heirs and

legatees of such testator shall personally appear in court or, in case they are of legal age and under no disability shall file in writing their appearance and waiver of notice, then, such will may be admitted to probate without notice.

APPROVED June 8, 1909.

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JOINT RESOLUTIONS.

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ADJOURNMENT—JANUARY 14 TO JANUARY 18.

(Senate Joint Resolution No. 5.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, January 14, 1909, they stand adjourned until Monday, January 18, 1909.

Adopted by the Senate January 13, 1909.

Concurred in by the House January 13, 1909.

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ADJOURNMENT—JANUARY 21 TO JANUARY 26.

(Senate Joint Resolution No. 7.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, January 21, 1909, they stand adjourned until Tuesday, January 26, 1909, at 10:00 o'clock, a. m.

Adopted by the Senate January 21, 1909.

Concurred in by the House January 21, 1909.

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ADJOURNMENT—JANUARY 28 TO FEBRUARY 2.

(Senate Joint Resolution No. 8.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, January 28, 1909, they stand adjourned until Tuesday, February 2, 1909.

Adopted by the Senate January 28, 1909.

Concurred in by the House January 28, 1909.

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ADJOURNMENT—FEBRUARY 5 TO FEBRUARY 9.

(Senate Joint Resolution No. 11.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, February 5, 1909, they stand adjourned until Tuesday, February 9, 1909.

Adopted by the Senate February 4, 1909.

Amended by the House February 4, 1909.

Concurred in by the Senate February 4, 1909.

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ADJOURNMENT—FEBRUARY 11 TO FEBRUARY 16.

(Senate Joint Resolution No. 17.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, February 11, 1909, they stand adjourned until Tuesday, February 16, 1909.

Adopted by the Senate February 11, 1909.

Concurred in by the House February 11, 1909.

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## ADJOURNMENT—FEBRUARY 18 TO FEBRUARY 23.

(Senate Joint Resolution No. 19.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, February 18, 1909, they stand adjourned until Tuesday, February 23, 1909, at 11:50 o'clock, a. m.

Adopted by the Senate February 18, 1909.

Concurred in by the House February 18, 1909.

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## ADJOURNMENT—FEBRUARY 25 TO MARCH 2.

(Senate Joint Resolution No. 20.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Thursday, February 25, 1909, they stand adjourned until Tuesday, March 2, 1909, at 10:00 o'clock, a. m.

Adopted by the Senate February 25, 1909.

Concurred in by the House February 25, 1909.

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## ADJOURNMENT—MARCH 4 TO MARCH 9.

(Senate Joint Resolution No. 22.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn Thursday, March 4, 1909, they stand adjourned until Tuesday, March 9, at 10:00 o'clock, a. m.

Adopted by the Senate March 3, 1909.

Concurred in by the House March 4, 1909.

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## ADJOURNMENT—MARCH 12 TO MARCH 16.

(Senate Joint Resolution No. 23.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, March 12, 1909, they stand adjourned until Tuesday, March 16, 1909, at 10:00 o'clock, a. m.

Adopted by the Senate March 11, 1909.

Concurred in by the House March 11, 1909.

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## ADJOURNMENT—MARCH 19 TO MARCH 23.

(Senate Joint Resolution No. 26.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, March 19, 1909, they stand adjourned until Tuesday, March 23, 1909.

Adopted by the Senate March 18, 1909.

Concurred in by the House March 18, 1909.

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ADJOURNMENT—MARCH 26 TO MARCH 30.

(Senate Joint Resolution No. 27.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, March 26, 1909, they stand  
adjourned until Tuesday, March 30, 1909.

Adopted by the Senate March 25, 1909.

Concurred in by the House March 25, 1909.

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## ADJOURNMENT—APRIL 2 TO APRIL 7.

(Senate Joint Resolution No. 29.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, April 2, 1909, they stand  
adjourned until Wednesday, April 7, 1909.

Adopted by the Senate April 1, 1909.

Concurred in by the House April 1, 1909.

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## ADJOURNMENT—APRIL 9 TO APRIL 14.

(Senate Joint Resolution No. 30.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, April 9, 1909, they stand  
adjourned until Wednesday, April 14, 1909, at 10:00 o'clock, a. m.

Adopted by the Senate April 8, 1909.

Amended by the House April 8, 1909.

Concurred in by the Senate April 8, 1909.

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## ADJOURNMENT—APRIL 16 TO APRIL 21.

(Senate Joint Resolution No. 34.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, April 16, 1909, they stand  
adjourned until Wednesday, April 21, 1909.

Adopted by the Senate April 15, 1909.

Concurred in by the House April 15, 1909.

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## ADJOURNMENT—APRIL 23 TO APRIL 27.

(Senate Joint Resolution No. 35.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, April 23, 1909, they stand  
adjourned until Tuesday, April 27, 1909, at 10:00 o'clock, a. m.

Adopted by the Senate April 22, 1909.

Concurred in by the House April 22, 1909.

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## ADJOURNMENT—APRIL 30 TO MAY 4.

(Senate Joint Resolution No. 38.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, April 30, 1909, they stand  
adjourned until Tuesday, May 4, 1909.

Adopted by the Senate April 29, 1909.

Concurred in by the House April 30, 1909.

## ADJOURNMENT—MAY 7 TO MAY 10.

(Senate Joint Resolution No. 39.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two Houses adjourn on Friday, May 7, 1909, they adjourn until Monday, May 10, 1909, at 5:00 o'clock, p. m.

Adopted by the Senate May 6, 1909.

Concurred in by the House May 7, 1909.

## ADJOURNMENT—MAY 14 TO MAY 17.

(Senate Joint Resolution No. 41.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, May 14, 1909, they stand adjourned until Monday, May 17, 1909, at 5:00 o'clock, p. m.

Adopted by the Senate May 13, 1909.

Concurred in by the House May 13, 1909.

## ADJOURNMENT—SINE DIE.

(Senate Joint Resolution No. 44.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That when the two houses adjourn on Friday, June 4, 1909, they stand adjourned *sine die*.

Adopted by the Senate June 3, 1909.

Concurred in by the House June 3, 1909.

## BATTLE OF LAKE ERIE—CENTENNIAL ANNIVERSARY COMMISSION.

(Senate Joint Resolution No. 37.)

*Resolved, by the Senate, the House of Representatives concurring herein,*  
That the Governor is hereby authorized to appoint a commission, consisting of five persons to represent the People of the State of Illinois, at the celebration of the Centennial Anniversary of the Battle of Lake Erie to be held at Put-In-Bay Island in the year 1913, and to consult and coöperate with like commissions from other states which may participate in said celebration; and, prior to the session of the Legislature in the year 1911, the said commission shall make a report to the Governor of this State of the action and progress of said commission, and such other matters pertaining to such proposed celebration as may be of interest to the People of the State.

The said commission shall receive no compensation other than their necessary and actual expenses, which shall be paid on vouchers and bills approved by the Governor.

Adopted by the Senate April 28, 1909.

Concurred in by the House April 28, 1909.

## CHICAGO DOCK AND CANAL COMPANY.

(House Joint Resolution No. 28.)

WHEREAS, It appears that the city of Chicago did, on February 4, 1909, at a public hearing before Major Thomas H. Rees, Corps of Engineers, U. S. Army, to consider plans of the Chicago Dock and Canal Company for the construction of piers extending into Lake Michigan, immediately north of



the mouth of the Chicago river, by its duly authorized officers ask the Secretary of War, to hold in abeyance the granting of his permit until the city of Chicago was able to determine its policy in regard to its harbor, and that Major Rees representing the Federal government and acting for it publicly stated, "He would recommend to the War Department that their action be delayed until the Harbor Commission had rendered its report and the city was ready to consider it; and,

WHEREAS, It also appears that Robert Shaw Oliver, acting Secretary of War did on the 28th day of February, 1909, issue a permit to the said Chicago Dock and Canal Company to erect piers in the submerged lands of Lake Michigan at the mouth of the Chicago river, as per the plans shown at said hearing; and also before the Harbor Commission had made its report to the city of Chicago, and also before the city of Chicago had determined its policy in reference to its harbors;

WHEREAS, Also it further appears that the said Chicago Dock and Canal Company in its said application absolutely ignored the State of Illinois and gave no notice to her of its intention to extend its piers into the waters of Lake Michigan. That it bases its present application under a charter issued to it by a private Act passed in 1857, fifty-two years ago; and,

WHEREAS, It appears from an examination of the Act that the present claims of said company are unfounded and this State never passed or parted with the fee of the made land now in possession of it, but this State simply granted it a mere license or permission to use the waters of Lake Michigan and the submerged lands at her option and said company has for a period of 42 years made no effort to extend its piers further out into the waters of Lake Michigan; now, therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That all privileges, rights, and easements used of water and land, as well also all rights of property, real, personal and mixed, that can or may be asserted by said company to the waters of Lake Michigan or to the soil under the same, whether it be to the present made land or easements in the same be and the same are hereby declared to be the property of the State of Illinois, and any license, privilege, easement, claim or franchise now outstanding in said company to the waters and lands of Lake Michigan under or by virtue of its charter under the Act of 1857 creating it are each and all hereby declared forfeited, revoked and annulled; and it is further hereby declared that said company shall, hereafter, possess no further rights, or easements, not enjoyed by the public, in and to the lands and waters of Lake Michigan.

Adopted by the House May 17, 1909.

Concurred in by the Senate May 18, 1909.

#### CHILDREN'S SURGICAL INSTITUTE COMMISSION.

(House Joint Resolution No. 32.)

WHEREAS, There is great need in the State of Illinois for a Surgical Institute for children where the afflicted crippled children of poor parents can be treated at the expense of the State, with the hope that as the result of such treatment, such children may become self-sustained men and women; and,

WHEREAS, In Illinois, there is no free institution for that purpose; and,

WHEREAS, The Forty-fifth General Assembly committed itself to this object by the passage of a bill appropriating \$60,000.00 for this purpose, but which was necessarily vetoed for want of funds; and,

WHEREAS, The House of Representatives has at this session again passed such bill; and,

WHEREAS, It is suggested that at several of the existing State institutions there are buildings available for such purpose, or which can without great expense be adapted to the use of such institutions; and,

WHEREAS, It is very desirable to intelligently proceed with this plan, after obtaining full information on this subject; now, therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That we cordially approve of the establishment of such surgical institutions, and firmly commit ourselves to such project and pledge ourselves at such subsequent time as may be possible by our votes to establish a Surgical Institution for crippled children; and, be it further

*Resolved,* That the Governor is hereby authorized to appoint a commission of five to make a complete investigation of this subject, and to include in such investigation the availability of existing institutions and to make a full report thereon to the Governor and the General Assembly not later than September 1, 1909.

Adopted by the House May 29, 1909.

Concurred in by the Senate May 29, 1909.

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#### CRIMES AND MISDEMEANORS COMMISSION.

(House Joint Resolution No. 24.)

WHEREAS, There has been considerable question as to the jurisdiction over crimes and misdemeanors occurring on Lake Michigan, of the State of Illinois, as well as the other States bordering upon said Lake Michigan; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That the Governor of the State of Illinois is hereby authorized to appoint by and with the advice and consent of the Senate, a commission consisting of three members to meet with a like commission representing the States of Wisconsin, Indiana and Michigan, or any of said states, for the purpose of considering and recommending to the legislatures of their several states the enactment of legislation, providing for the respective jurisdiction of said states, or any two or more of them, over crimes and misdemeanors and other offenses committed on Lake Michigan within the respective territorial limits of said states, or any two or more of them.

The members of said commission so appointed shall receive no compensation for their services but may be allowed their actual expenses incurred in carrying on the work of said commission, the same to be paid on vouchers approved by the Governor of this State, out of any funds available for said purpose.

Adopted by the House May 12, 1909.

Concurred in by the Senate May 18, 1909.

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#### DEATH OF HONORABLE PAUL I. ZAABEL.

(House Joint Resolution No. 4.)

WHEREAS, It has pleased Almighty God, in his infinite wisdom, to remove from our midst our colleague and friend, Honorable Paul I. Zaabel, of Chicago, Illinois, who was an honored member of the 44th, 45th and 46th General Assemblies; and,

WHEREAS, By his integrity, his genial disposition and his consistent application to his duties as a member of this body as well as by his upright and honorable conduct as a man and a citizen, he has endeared himself to all; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That we hereby express our profound sorrow at the untimely end of our friend and brother, and that we hereby extend to the bereaved wife and family our heartfelt sympathy in the loss of a kind and loving husband and father; and, be it further

*Resolved,* That as a further mark of esteem for the deceased and our sympathy for the bereaved family, a joint committee of the House and Senate be

appointed, consisting of nine members, six from the House and three from the Senate, to make all necessary arrangements in regard to the funeral; and the said committee is hereby authorized to draw on the committee expense fund for any necessary expense incurred in relation thereto; and, be it further

*Resolved*, That the members of the House and the Senate are hereby invited to attend the funeral services in a body; and, be it further

*Resolved*, That said committee be and is hereby authorized to arrange for suitable memorial services to be held in the Hall of the House of Representatives, and that, as a further mark of respect that when the General Assembly adjourns today it stands adjourned until tomorrow.

Adopted by the House January 13, 1909.

Concurred in by the Senate January 13, 1909.

#### EARTHQUAKE SUFFERERS IN ITALY AND SICILY.

(Senate Joint Resolution No. 2.)

WHEREAS, A most appalling calamity has overtaken Southern Italy and Sicily, earthquake, flood and fire devastating a wide territory and causing an unprecedented loss of life and property; and,

WHEREAS, The suffering from the wide-spread want and destitution is far beyond the ability of their own fellow countrymen to alleviate and relieve; and,

WHEREAS, The spirit of our free American institutions recognizes in each and every suffering being, a brother and neighbor and commits our people and our State to the broadest principles of humanity; and,

WHEREAS, This country owes a debt of gratitude not only to its discoverer, Christopher Columbus, one of Italy's sons, but also to the sturdy character of the men and women who have left Italy's shores to become worthy and loyal citizens of our republic; therefore, be it,

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring*, That we appeal to the people of this State, urging them to give of their bounty for the relief of the sufferings of the people of Southern Italy and Sicily; and, be it

*Resolved*, That the Governor appoint a committee of three citizens to receive and transmit to the sufferers in the stricken district, all money collected for that purpose by them; and, further, be it

*Resolved*, That an engrossed copy of these resolutions be forwarded to the Italian government by the Secretary of State.

Adopted by the Senate January 6, 1909.

Concurred in by the House January 19, 1909.

#### ELECTION CONTEST FOR GOVERNOR—JOINT COMMITTEE.

(House Joint Resolution No. 7.)

*Resolved, by the House of Representatives, the Senate concurring herein*, That a Joint Committee consisting of nine members of the House of Representatives and nine members of the Senate be appointed by the Speaker of the House and President of the Senate respectively, to inquire into, hear and report to the House of Representatives as provided by law, the contest of election now pending in this General Assembly of Adlai E. Stevenson against Charles S. Deneen for the office of Governor of the State of Illinois; and, be it further

*Resolved*, That such committee, when appointed, shall proceed at once to elect a chairman and to ascertain whether said petition makes out a *prima facie* case only and to take testimony of any witness or witnesses on the part of the petitioner as to said *prima facie* showing as well [as] on the part of the person whose place is contested and such committee so appointed shall for such purpose only have the power to send for and compel the attendance of witnesses and the production of papers, documents, records, to issue commissions under the hand of its chairman to any officer authorized to take depositions, to take the depositions of witnesses upon the points set forth in the petition and at such times and places as the committee shall direct; and, be it further

*Resolved*, That such committee report its findings and recommendations to the House of Representatives and Senate respectively, on the second day of March, 1909, for such action as the respective Houses may desire to take thereon.

Adopted by the House February 10, 1909.

Concurred in by the Senate February 11, 1909.

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#### ELECTION CONTEST FOR GOVERNOR—JOINT SESSION.

(Senate Joint Resolution No. 25.)

IN THE MATTER OF THE CONTEST OF ADLAI E. STEVENSON VERSUS CHARLES S. DENEEN FOR THE OFFICE OF GOVERNOR OF THE STATE OF ILLINOIS.

WHEREAS, Under joint resolution No. 7 in the above entitled cause a committee was duly appointed to investigate and determine whether the petition of the contestant as filed, makes out a *prima facie* case, and to hear such testimony if any may be offered as to said *prima facie* showing, and to report its findings and recommendations in relation thereto to the House of Representatives and to the Senate; and,

WHEREAS, Said committee so appointed has performed the duty assigned to it under such resolution; and,

WHEREAS, A majority of such committee did on the 17th day of March, the day fixed by the respective houses for the presentation for such reports file their report as required by said resolution with their recommendations in the House of Representatives and the Senate; and,

WHEREAS, A minority of such committee did also file their report in such House of Representatives and Senate with their recommendation; a copy of such majority and minority reports is hereto attached and submitted herewith; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein*, That a joint meeting of the two houses be held on Thursday, March 18, 1909, at 10:30 a. m., in the hall of the House of Representatives for the purpose of considering such majority and minority reports and taking such action thereon as such joint session may determine and to decide upon the same by a ye a and nay vote which shall be taken upon the final decision on said report and entered upon the Journal of the House of Representatives.

Adopted by the Senate March 18, 1909.

Concurred in by the House March 18, 1909.

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#### ELECTION CONTEST FOR GOVERNOR—TIME EXTENDED.

(Senate Joint Resolution No. 21.)

WHEREAS, On February 11, 1909, by House Joint Resolution Number 7, a committee of the House and Senate was appointed to inquire into the

matter of the election contest of Adlai E. Stevenson against Charles S. Deneen, and report their action and recommendations to the House and Senate respectively, on the 2d day of March, 1909; and,

WHEREAS, Such committee upon a hearing upon the petition of said Adlai E. Stevenson, ruled that the contestant file a bill of particulars in said contest, with such committee for their examination and investigation; and,

WHEREAS, Said contestant was given by said committee ten days in which to file such bill of particulars, namely until March 6, 1909; and,

WHEREAS, Such committee has granted such time for the filing of such bill of particulars; now, therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein,* That said committee be granted until Wednesday, March 17, 1909, on which day the said committee shall make its report of its findings and recommendations to the House of Representatives and Senate respectively.

Adopted by the Senate February 25, 1909.

Concurred in by the House February 25, 1909.

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#### FIRE INSURANCE COMMISSION.

(Senate Joint Resolution No. 24.)

WHEREAS, The fire insurance laws of Illinois make no provision whatever as to what rates the fire companies shall charge for business procured in this State, the question of rates being one entirely with the companies or bureaus and there being no officer in this State who has any authority as to making or changing fire insurance rates; and,

WHEREAS, The fixing of the classifications of municipalities and physical conditions of properties as a basis for fire insurance rates in Illinois is also a matter entirely in private hands and not subject to appeal to any public official authority; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein,* That the Governor is hereby authorized and requested to appoint a commission consisting of five competent and disinterested citizens of Illinois, whose duty it shall be to obtain information and report to this General Assembly their judgment as to the advisability of enacting a law regulating fire insurance rates in this State.

One of said commissioners shall be selected from the city of Chicago, one from Rock Island, one from Springfield, one from East St. Louis and one from Quincy.

Said commissioners shall have power to subpoena and compel witnesses to attend and testify and to compel the production of all documents, exhibits or other information the commission may deem needful for the correct discharge of their duties and, to the extent of making penalties for false testimony applicable, the hearing of the commission shall be a judicial hearing.

Said commission shall be appointed immediately upon the joint adoption of this preamble and resolution and thereupon said commission shall at once assemble and begin and continue their hearings at such time and place as the commission may determine.

The members of said commission shall be allowed their actual expenses only, the same to be certified by the commissioners under oath, to the Governor, who shall thereupon recommend to the General Assembly to make an appropriation covering such expenses.

The commissioners shall file their report with the General Assembly not later than May 1, A. D. 1909.

In the event that said commissioners recommend the enactment of a law regulating fire insurance rates in Illinois, the commissioners shall submit with their report the draft of the bill whose basic plan and object shall be just and reasonable regulation of fire insurance rates with the least amount

of official machinery and the lowest amount of public cost that would give the largest measure of justice and equity with the simplest and easiest local application.

Adopted by the Senate March 23, 1909.

Concurred in by the House April 22, 1909.

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FURNITURE FOR HOUSE AND SENATE CHAMBERS—PURCHASING COMMISSION.

(House Joint Resolution No. 10.)

WHEREAS, The desks and chairs of the members of the Senate and House of the General Assembly have been in use for the past thirty-three years, many of them are much defaced and in bad order, all are poorly planned and illy suited to their purposes. The desks are so constructed that they are easily opened by thieves and the contents abstracted and the chairs are especially uncomfortable; and,

WHEREAS, Intelligent legislation requires frequent reference to the Revised Statutes, Session Laws and Official State Reports; and,

WHEREAS, The members of the General Assembly ought to be provided by the State with chairs which are reasonably comfortable and with desks of sufficient capacity in which can be safely kept under lock and key the statutes, session laws, official reports of the State, and all necessary stationery, writing materials, postage, etc.; now, therefore, be it

*Resolved, by the House of Representatives of the Forty-sixth General Assembly of the State of Illinois, the Senate concurring herein,* That a commission of five persons to consist of the Secretary of State, two members of the House, to be appointed by the Speaker, two members of the Senate, to be appointed by the President of the Senate, be, and is hereby created, and is hereby given full power and authority to purchase or cause to be constructed the number of desks and chairs required for the use of the members of the House and Senate, together with suitable chairs for the Speaker of the House and President of the Senate and such other improvements in the Hall of the House and the Senate Chamber as the commission may deem necessary, of reasonable cost, in style harmonizing with the finish and furniture of the Hall of the House and Senate Chamber and of modern construction suited to the needs of the members, ready for use at as early a date as practicable, such furniture to be constructed in some State institution if found practicable and within the law; and, be it further

*Resolved,* That the necessary funds for the purpose above specified be ascertained and appropriated in the usual manner, and that the commission report its acts in the premises to this or the next General Assembly and file therewith vouchers for all disbursements, all services to be rendered by such commission to be without compensation.

Adopted by the House February 17, 1909.

Amended by the Senate April 8, 1909.

Concurred in by the House April 14, 1909.

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FURNITURE FOR HOUSE AND SENATE CHAMBERS—REMOVAL.

(House Joint Resolution No. 31.)

WHEREAS, This General Assembly had adopted House Joint Resolution No. 10 and under the authority thereof a commission has been appointed with power to purchase new desks and chairs for the House and Senate, said commission is proceeding with its duties, and it is expected that such new furniture will in due time be installed in the Hall of the House and the Senate Chamber, of a character suited thereto; and,

WHEREAS, It has been the practice of the officials in charge of the two chambers to remove the furniture thereof from time to time to permit their use by the public for various purposes; and,

WHEREAS, The moving about of such furniture will be greatly injurious to it and should not be further permitted; now, therefore, be it

*Resolved, by the House of Representatives of the Forty-sixth General Assembly of the State of Illinois, the Senate concurring herein,* That the Secretary of State be requested not to permit the removal of the furniture from the Senate Chamber and the Hall of the House.

Adopted by the House May 28, 1909.

Concurred in by the Senate May 29, 1909.

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#### INAUGURATION OF STATE OFFICERS.

(Senate Joint Resolution No. 1.)

*Resolved, by the Senate, the House of Representatives concurring herein,* That a joint committee be appointed consisting of five members of the House of Representatives to be appointed by the Speaker, and five members of the Senate to be appointed by the President of the Senate, to have charge of and make all necessary arrangements for the inauguration of the Governor and other State officers on Monday, January 18th, next, and that all necessary expense of the same be paid by vouchers signed by the Secretary of State when approved by said joint committee.

Adopted by the Senate January 6, 1909.

Amended by the House January 13, 1909.

Concurred in by the Senate January 13, 1909.

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#### LINCOLN CENTENNIAL EXERCISES—JOINT COMMITTEE.

(House Joint Resolution No. 8.)

*Resolved, by the House of Representatives, the Senate concurring therein,* That appropriate centennial exercises in honor of Lincoln, the Great Emancipator, statesman and former member of the House of Representatives of this State, be held on the 11th day of February, 1909, at 10:30 o'clock, a. m., in this House and that the Speaker of the House appoint three members and the President of the Senate, two members of a committee to make arrangements for such exercises.

Adopted by the House February 10, 1909.

Concurred in by the Senate February 11, 1909.

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#### LINCOLN MEMORIAL MEETING, CHICAGO—JOINT COMMITTEE.

(Senate Joint Resolution No. 14.)

WHEREAS, February 12, 1909, is the one hundredth anniversary of the birth of Abraham Lincoln; and,

WHEREAS, The memory of the words and deeds of Abraham Lincoln of Illinois, have become the priceless heritage of the people of the nation irrespective of sectional lines, racial differences and party affiliations; and,

WHEREAS, The city of Chicago, in which Lincoln received his nomination for the high office of President, is planning a great civic celebration in honor of the memory of Lincoln; and,

WHEREAS, The mayor of Chicago has requested the General Assembly of the State of Illinois to recognize the celebration in the city of Chicago by

appropriate resolutions and to appoint a committee to represent the General Assembly at the memorial meeting to be held at the Auditorium, in the city of Chicago, on Friday, February 12th; now, therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein,* That the Forty-sixth General Assembly do send greetings to Chicago with the wish that its celebration of Lincoln's character and service to the nation may arouse a new devotion throughout the commonwealth to his sense of loyalty to the Constitution, his faith in the principles of democracy and his devotion to the moral ideals; and, be it further

*Resolved,* That a committee of ten be appointed, five by the Speaker of the House of Representatives and five by the President of the Senate to represent the Forty-sixth General Assembly, and to attend the said memorial meeting to be held at the Auditorium in the city of Chicago, February 12th, at 10:00 a. m.

Adopted by the Senate February 9, 1909.

Concurred in by the House February 11, 1909.

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MEMORIAL TO CONGRESS—ENGINEERS' REPORT ON DEEP WATERWAY.

(House Joint Resolution No. 25.)

WHEREAS, The rivers and harbors bill passed by the Fifty-ninth Congress provided for the appointment by the Secretary of War of a special board "to examine the Mississippi river below Saint Louis and report to the Congress at the earliest date by which a thorough examination can be made upon the practicability and desirability of constructing and maintaining a navigable channel fourteen feet deep and of suitable width from Saint Louis to the mouth of the river; and,

WHEREAS, This special board has completed this report and forwarded it to the Chief of Engineers in Washington; and,

WHEREAS, It is desirable that the information contained in this report shall be made public; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein,* That the General Assembly of Illinois petition the House of Representatives of the Congress of the United States of America to take such action as will cause the early publication of the report of the special board of engineers, recently transmitted to the Chief of Engineers, U. S. A., upon the improvement of the Mississippi river below Saint Louis and particularly between Saint Louis and Cairo; be it further

*Resolved,* That the Secretary of State forward this resolution and petition to the Honorable Joseph G. Cannon, Speaker of the National House of Representatives and send a copy thereof to each member of Congress from this State.

Adopted by the House May 12, 1909.

Concurred in by the Senate May 18, 1909.

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MEMORIAL TO CONGRESS—INHERITANCE TAX.

(Senate Joint Resolution No. 16.)

WHEREAS, The several states are now taxing inheritances with marked success, and need all the revenue that can be properly drawn from this source; and,

WHEREAS, Double taxation of inheritances would be unwise and as the Federal Government can readily raise additional revenue, when required, from other sources; therefore, be it



*Resolved, by the Senate, the House of Representatives concurring therein,* That it is the sense of the General Assembly of the State of Illinois that the taxation of inheritances should be reserved to the several states as a source of revenue for their exclusive use and benefit; and, be it further

*Resolved,* That the Secretary of State send a certified copy of these resolutions to the members of the Congress of the United States from Illinois.

Adopted by the Senate March 11, 1909.

Concurred in by the House April 15, 1909.

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MEMORIAL TO CONGRESS—LINCOLN FARM ASSOCIATION.

(Senate Joint Resolution No. 18.)

WHEREAS, There is now pending in the Congress of the United States, House Bill No. 21,848 providing for an appropriation of \$50,000 for the work of the Lincoln Farm Association; and,

WHEREAS, The entire country and particularly the State of Illinois and its citizens are desirous of honoring the memory of Abraham Lincoln; and,

WHEREAS, No more fitting memorial could be preserved than his birth place; be it

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein,* That we urge the members of Congress from Illinois to use all diligence in procuring the passage of House Bill No. 21,848; and, be it

*Resolved, further,* That the Secretary of State be, and he hereby is instructed to forward a copy of this resolution to each of the members of Congress from Illinois.

Adopted by the Senate February 17, 1909.

Concurred in by the House April 16, 1909.

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MEMORIAL TO CONGRESS—NATIONAL BUREAU OF MINES.

(Senate Joint Resolution No. 13.)

WHEREAS, The number and character of serious accidents occurring in the best equipped mines in various states makes it evident that many years of research and educational work on the part of the general government will be necessary to enable the several states to meet by appropriate legislation the requirement that better protection shall be provided for its industrial workers; and,

WHEREAS, A bill is now pending in Congress providing for the creation of a National Bureau of Mines charged with the duty of conducting such technologic investigations as will increase safety and efficiency in mining; now, therefore, be it

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein,* That the Congress of the United States is hereby urgently requested to enact at the earliest day possible the pending bill creating a Bureau of Mines and that the Congressmen and Senators from Illinois be furnished with a copy of this joint resolution and urged to use their best endeavors to secure the passage of said bill at the present session of Congress.

Adopted by the Senate February 10, 1909.

Concurred in by the House February 18, 1909.

## MEMORIAL TO CONGRESS—OLD AGE PENSIONS, ETC.

(House Joint Resolution No. 22.)

WHEREAS, There has been introduced in the House of Representatives in Congress by Congressman Frederick Lundin of Illinois, a resolution authorizing and directing the Speaker of the House of Representatives to appoint a select committee consisting of seven (7) members of the said House to investigate and to determine the various systems of old age insurance, old age pension, and annuities that are now in operation in the different countries of the world and the practicability of establishing such systems in the United States and said committee is to report not later than January 12, 1911, the result of such investigation setting forth the plan of operation in countries having such institutions, the cost to such countries of maintaining the system and the benefits derived from it; and,

WHEREAS, This question has been successfully solved in other countries and to a great degree has abolished alms and homes for the poor and needy and caused this class of citizens to be happier in the communities where they reside; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein,* That the members of Congress representing this State be, and they are respectfully requested, to do all in their power to see that the said resolution is adopted; and, be it further

*Resolved,* That a copy of this resolution be forwarded immediately by the Secretary of State to each Representative in Congress from this State.

Adopted by the House April 22, 1909.

Concurred in by the Senate April 27, 1909.

## OCCUPATIONAL DISEASE COMMISSION—TIME EXTENDED.

(House Joint Resolution No. 26.)

WHEREAS, Under and by virtue of House Joint Resolution No. 16 of the Forty-fifth General Assembly, adopted by the House of Representatives on March 12, 1907, and concurred in by the Senate March 20, 1907, the Governor has appointed a commission of nine members for the purpose of carefully considering the subject of occupational diseases; and,

WHEREAS, Said joint resolution directed that said commission report to the Governor the draft of any desirable bill or bills designed to meet the purposes announced in said resolution for consideration and action by the Forty-sixth General Assembly; and,

WHEREAS, Said Occupational Disease Commission has submitted preliminary report from which it appears that said commission will not be able to finish its investigation, and submit its report at the present session of the Legislature; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein,* That said Occupational Disease Commission, so appointed by the Governor, be and it is hereby perpetuated, and the time given said commission for its investigation is hereby extended until the next regular session of the General Assembly of the State of Illinois, at which time it is directed to make its report.

Adopted by the House May 12, 1909.

Concurred in by the Senate May 18, 1909.

## PUBLIC LAND INVESTIGATION COMMITTEE—APPOINTMENT.

(House Joint Resolution No. 11.)

WHEREAS, There is reasonable grounds to believe that the State of Illinois, at the time of its organization as a State and since said time, became invested with valuable rights in lands along the lake shore of Lake Michigan, and in, along and upon other navigable bodies of water, rivers and lakes of the State of Illinois, which said rights it is claimed the State of Illinois holds in trust for the use of the people of this State; and,

WHEREAS, There is reason to believe that such rights, in a large number of cases have been usurped by private individuals, corporations and companies, who now occupy part or parts of said lands and who assert title in or claim thereto; and,

WHEREAS, Said rights in and concerning said lands are of great value to the State of Illinois, and by reason of its increasing population are constantly becoming of more value to the people of this State; now, therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That a joint committee of ten be appointed, six to be named by the Speaker of the House of Representatives and four to be named by the President of the Senate, to make a careful and complete investigation of the rights of the State of Illinois, in land lying along, in and upon Lake Michigan, the rivers and lakes and other navigable bodies of water of this State and to report its conclusion to the next General Assembly of this State, and to the Governor of Illinois, as to the rights of the State and its people in and to the same.

And for such purpose, the said committee is authorized to employ such assistance, (other than legal services), as may be necessary to carry out the provisions hereof.

The said committee and the members thereof shall be entitled to their actual expenses incurred in carrying out the provisions hereof. The Attorney General of Illinois is respectfully requested to furnish said committee with such legal assistance as may be required; and, be it further

*Resolved,* That the General Assembly proceed to make an appropriation of ten thousand dollars (\$10,000), for the purpose of carrying on such investigation.

Adopted by the House February 24, 1909.

Concurred in by the Senate February 24, 1909.

## PUBLIC LAND INVESTIGATION COMMITTEE—DATA, ETC.

(House Joint Resolution No. 21.)

*Be it Resolved, by the House of Representatives, the Senate concurring herein,* That the Secretary of War of the United States, the Secretary of the Interior of the United States, and the Attorney General of the United States, be and they are hereby each respectfully requested upon behalf of the State of Illinois, to furnish to the Lake Front Investigating Committee, heretofore authorized to be appointed by a joint resolution of the House and Senate of Illinois, such records, data, evidence, documents, maps, plats, surveys, field notes and profiles as each may have in the possession of his respective department, that will assist the said Lake Shore Investigating Committee in making a full and complete investigation of the rights of the People of the State of Illinois in and on the submerged lands along the lake shore of Lake Michigan within the limits of the State of Illinois, and in and along all of the navigable lakes, rivers and streams and bodies of water of the said State of Illinois; and, be it further

*Resolved*, That the Secretary of State, under the Great Seal of State, is hereby directed to certify to a properly engrossed copy of this resolution to each of the said, the Secretary of War, the said the Secretary of the Interior, and the said the Attorney General of the United States.

Adopted by the House April 21, 1909.

Amended by the Senate April 21, 1909.

Concurred in by the House April 22, 1909.

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RAILROAD INVESTIGATION COMMISSION.

(Senate Joint Resolution No. 43.)

*Be it Resolved, by the Senate, the House of Representatives concurring herein:*

*First*—That a commission be and is hereby established to be known as the Railroad Investigation Commission of the State of Illinois, consisting of four general operating officers of railroads nominated by the General Manager's Association and four railroad employes in actual service of railroads nominated by the respective organizations of railroad employes, and appointed two each by the Lieutenant Governor and the Speaker of the House of Representatives, respectively, together with one lawyer not identified or affiliated with the interests of either the railroad companies or employes organizations or dependent upon the patronage or good will of either, nor holding political office, who shall be selected by the other members of said commission.

Each member of said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission, and on which the commission may act; and the said commission shall have power and authority to investigate the physical condition of all railroads in the State of Illinois, their methods of operation and management, with respect to the safety of employes, as well as service to the public and the needs and requirements for future railroad development and improvement, and also the relation of the public and the municipalities of the State to railroad operation and the railroad business.

*Second*—Said commission shall meet at the State capitol building in Springfield, on the third Tuesday after notice of their appointment, and shall immediately elect a chairman and secretary from among their number, one of whom shall be a general operating officer of a railroad, and the other a railroad employe.

Six members of the commission shall constitute a quorum for the transaction of business, but a fewer number than a quorum may adjourn the meeting of the commission from time to time.

Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois as may be fixed by the said commission.

A meeting of the said commission shall be held upon the written request of any three members of the said commission, signed by them and delivered to the secretary, who shall, upon receipt of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place and purpose thereof. And no such meeting shall be held less than ten days after the mailing of notice of the said meeting to the members of said commission by the secretary. Such called meetings shall be held either in Springfield or Chicago.

*Third*—Said commission shall report to the Governor and to the General Assembly at its next regular session, submitting, so far as they have unanimously agreed, a proposed revision of railroad laws of the State, together with such other recommendations as to the commission shall seem fit and proper, relating to railroads in this State.

And where there is not unanimous agreement upon any recommendation there may be submitted in like manner separate reports, embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report, and shall embody his or their respective reasons for such recommendation and his or their objections to the reports of other members of the commission.

Adopted by the Senate May 27, 1909.

Concurred in by the House May 27, 1909.

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REV. JAMES LEMEN, SR.—DEDICATION OF MONUMENT.

(House Joint Resolution No. 23.)

WHEREAS, The Baptist people and other of the State of Illinois propose to erect a monument at the grave of the late Reverend James Lemen, Sr., near Waterloo, Monroe county, Illinois, to honor his memory as a Revolutionary soldier and the friend and co-worker with Thomas Jefferson in organizing the peaceful forces that dedicated the great northwestern territory to freedom, by the anti-slavery clause in the ordinance of 1787, and which later gave Illinois a free State Constitution, and who was an Indian fighter in Illinois in defense of our early homes, and later became a founder of the Baptist denomination in Illinois; and,

WHEREAS, The late Judge Silas Bryan, of saintly memory and greatly beloved by our people, was the first person to suggest the erection of a monument to the honor of Reverend James Lemen nearly sixty years ago, at which time it was thought that the monument would at once be erected, and it was arranged that the Legislature should be requested to invite Senator Stephen A. Douglas to deliver an address at the dedication of the monument upon the joint labors of Thomas Jefferson and James Lemen, it being deemed appropriate that the recognized leader of Jefferson's party should thus honor his memory, while at the same time the State would recognize the great services of both Jefferson and Lemen; and,

WHEREAS, It was the purpose of the late Abraham Lincoln, on account of his profound interest in, and respect for, the memory and deeds of the late James Lemen and his ardent friendship for his sons, to have attended the ceremonies of unveiling and dedication of the monument; in consequence of which it is believed that his distinguished son, Robert T. Lincoln, will feel a deep interest in an event which so enlisted his father's warmest approval; therefore,

*Resolved, by the House, the Senate concurring,* That the Honorable William J. Bryan, of Lincoln, Nebraska, and the Honorable Robert T. Lincoln, of Chicago, Illinois, be invited and earnestly requested to attend the meeting at New Design, near Waterloo, on September 16th, next, for the purpose of participating in the exercises of unveiling and dedication of the proposed monument.

Adopted by the House April 28, 1909.

Concurred in by the Senate April 29, 1909.

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SALARY OF JUSTICE GUY C. SCOTT.

(House Joint Resolution No. 30.)

WHEREAS, Guy C. Scott, lately Justice of the Supreme Court of the State of Illinois, has departed this life; and,

WHEREAS, The said Justice, Guy C. Scott was receiving a salary of \$3,000 less per year than the other justices of said court, with the exception of Justice John P. Hand; and,

WHEREAS, It is now desired to make provision for the payment of the salary due the late Justice Guy C. Scott, and which would have been due him to the time of the election of his successor; now, therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein,* That the salary now due the said Justice Guy C. Scott shall be payable to the widow of the said Justice Guy C. Scott, and likewise, the salary that would have accrued to the said Justice Guy C. Scott until the time of the election and qualification of his successor, and that the Auditor of Public Accounts be and he is hereby instructed to draw his warrant or warrants for such amounts as are due and would have become due until the time of the election of such successor.

Adopted by the House May 25, 1909.

Concurred in by the Senate May 29, 1909.

#### TUBERCULIN TEST COMMITTEE.

(House Joint Resolution No. 20.)

WHEREAS, The General Assembly in 1907 passed an Act providing for the appointment of a Food Standard Commission, with certain powers granted to determine the quality, purity and strength of various foods, and among other things provided that the State Food Standard Commission, in determining and adopting a standard of quality, purity and strength of milk or cream, shall fix such standard as may be determined solely by the examination and test of milk and cream and the can or receptacle in which it is placed; and,

WHEREAS, The city council of the city of Chicago, in the month of July, A. D. 1908, passed three separate ordinances which then provided and are in force as follows, viz.:

#### ORDINANCES REQUIRING TUBERCULIN TEST OF COWS.

##### MILK.

*Be it Ordained by the City Council of the city of Chicago:*

SECTION 1. No milk, cream, buttermilk or ice cream shall be sold, offered for sale, exposed for sale or kept with the intention of selling within the city of Chicago, after January 1, A. D. 1909, unless such milk or cream contained in buttermilk and ice cream, be obtained from cows that have given a satisfactory negative tuberculin test within one year. The cows having been satisfactorily tested shall be marked "tuberculin tested" and shall be numbered and a certificate shall be filed with the division of milk inspection of the department of health of the city of Chicago upon forms furnished by the commissioner of health, giving the number, a brief description of the animal, the date of taking said test, and the name of the owner. Said certificate shall be signed by the person making such test: *Provided, however,* that from January 1, 1909, for a period of five years, to-wit: until January 1, 1914, milk or cream or buttermilk and ice cream made from milk or cream, obtained from the cows not tuberculin tested or not free from tuberculosis may be sold within the city of Chicago if the milk or cream from said cows is pasteurized according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. Any milk, cream, buttermilk or ice cream offered for sale, exposed for sale or kept with the intention of selling within the city of Chicago shall be found within the city in violation of section one, shall be forth

with seized, condemned and destroyed by the milk and food inspectors or other duly authorized agents or employes of the department of health of the city of Chicago.

Sec. 3. This ordinance shall be in full force and effect from and after January 1, 1909.

#### BUTTER.

*Be it Ordained by the City Council of the City of Chicago:*

SECTION 1. No butter shall be sold or offered for sale or kept with the intention of selling in the city of Chicago after January 1, 1909, unless such butter be made from milk or cream obtained from cows that have given a satisfactory negative tuberculin test within one year: *Provided, however,* that from January 1, 1909, for a period of five years, to-wit: January 1, 1914, butter made of milk obtained from cows not tuberculin tested or not free from tuberculosis may be sold in the city of Chicago if the milk or cream [from] which such butter was made, was pasteurized according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. It shall be unlawful to sell any butter in the city of Chicago, unless there be stamped on the package in plainly legible letters of not less than one-eighth inch type: "Made of milk (or cream) from cows free from tuberculosis as shown in the "tuberculin test" or made from milk (or cream) pasteurized according to the rules and regulations of the department of health of the city of Chicago."

Sec. 3. Any butter offered for sale, exposed for sale or kept with the intention of selling in the city of Chicago, which shall be found within the city in violation of this ordinance, shall be forthwith seized, condemned and destroyed by the milk and food inspectors or other duly authorized agents of the department of health of the city of Chicago.

Sec. 4. This ordinance shall be in full force and effect from and after January 1, 1909.

#### CHEESE.

*Be it Ordained by the City Council of the City of Chicago:*

SECTION 1. No domestic cheese shall be sold or offered for sale or kept with the intention of selling in the city of Chicago after January 1, 1909, unless such cheese be made from milk or cream obtained from cows that have given a satisfactory negative tuberculin test within one year: *Provided, however,* that from January 1, 1909, for a period of five years, to-wit: until January 1, 1914, domestic cheese made of milk obtained from cows not tuberculin tested or not free from tuberculosis, may be sold in the city of Chicago, if the milk or cream from which such cheese was made, was pasteurized, according to the rules and regulations of the department of health of the city of Chicago.

Sec. 2. It shall be unlawful to sell any such cheese in the city of Chicago unless there be stamped on the package in plainly legible letters of not less than one-eighth inch type, "made of milk (or cream) from cows free from tuberculosis as shown by tuberculin test," or "made from milk (or cream) pasteurized according to the rules and regulations of the department of health of the city of Chicago."

Sec. 3. Any cheese offered for sale, exposed for sale, or kept with the intention of selling in the city of Chicago, which shall be found within the city in violation of this ordinance, shall be forthwith seized, condemned and destroyed by the milk and food inspectors or other duly authorized agents or employes of the department of health of the city of Chicago.

Sec. 4. This ordinance shall be in full force and effect from and after January 1, 1909.

Which said ordinances it is claimed are without foundation of law, unreasonable and void; and,

WHEREAS, Under and by virtue of said ordinances the board of health of the city of Chicago are assuming to inspect dairy herds in the State of Illinois and to condemn milk, butter and cheese that are produced from cows that have not been tested by the tuberculin test and that is manufactured and produced from milk which has not been pasteurized, and the producers of milk, butter and cheese tributary to the city of Chicago are being greatly annoyed, hindered and harassed by agents of the board of health of the city of Chicago, and the sale of their product is being injured, damaged and destroyed; and,

WHEREAS, By reason of the said ordinances and the unlawful and [un]reasonable rules and restrictions of the board of health of the city of Chicago the price of milk in said city has increased and is being raised and threatened to be raised from six and seven cents a quart to nine cents a quart, to the great injury and suffering to the people of that city; and,

WHEREAS, It is a disputed question whether the tuberculin test is an accurate and efficient test to determine whether the disease of tuberculosis exists in the animal, and it is a disputed question whether tuberculosis can be conveyed from the animal to the human being from milk and its products; and,

WHEREAS, It is disputed and denied that the disease of tuberculosis exists to an appreciable extent among the dairy herds and breeding animals of the State, and such dispute leads to the damage and loss of values of such dairy herds and breeding animals by reason of such dispute and contention, and loss and injury to the owner of such dairy herds and sale of their products, by reason of said city ordinances and the rules and regulations and inspections of the department of the board of health of the city of Chicago; and,

WHEREAS, It is plain that the pasteurizing of milk destroys its value for the manufacturer of butter and cheese and renders it impossible to manufacture any reasonable quality of butter or cheese from such milk and tends rather to increase the bacteria germs naturally in milk where it is not used immediately, and otherwise injures and destroys the strength and food qualities in the milk; and,

WHEREAS, A bill is now pending in this Legislature providing for the enforcement of the law for the testing of dairy cows and breeding cattle by the tuberculin test, and the payment by the State of the sum of seventy-five per cent of the appraised value of the cattle damaged, which will lead to an enormous expenditure of money by the State, which may possibly be unnecessary, useless, and [of] great damage and injury to the dairy interests of the State; therefore, be it

*Resolved, by the House, the Senate concurring,* That a joint committee of ten be appointed, six by the Speaker of the House and four by the President of the Senate, to investigate into the reliability and the efficiency and the necessity of adopting the tuberculin test in the State of Illinois, and that said committee investigate and determine the question as to whether or not the disease germ passes from an animal afflicted with tuberculosis, through the milk, to a human being, and the effect of pasteurizing milk as such food product is pasteurized, bottled up, shipped and used in the city of Chicago, taken from the dairy districts at a distance from said city.

That they take evidence and have the power [to] subpoena witnesses and send for documents and papers and acquaint themselves with the laws and results accomplished in other states and that said committee collect the evidence and opinions of expert bacteriologists upon said question, and if said tuberculin test should be found to be an actual and efficient test of the disease of tuberculosis among domestic animals, then that said committee estimate the amount that should be paid for cattle condemned both



under an optional law, mandatory law, and make their report to the next session of the General Assembly, and that said committee be provided with an appropriation of an adequate amount to pay clerk and stenographers' fees and hire and actual traveling expenses of the committee while engaged upon the work as herein set out.

Adopted by the House April 8, 1909.

Amended by the Senate May 4, 1909.

Concurred in by the House May 7, 1909.

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UNITED STATES SENATOR—ELECTION BY GENERAL ASSEMBLY.

(House Joint Resolution No. 5.)

*Resolved, by the House of Representatives, the Senate concurring herein* That on Tuesday, the 19th day of January, instant, at 11:00 o'clock, a. m., each House shall by itself, and in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States, name a person for Senator in the Congress of the United States, from the State of Illinois, for a term of six years, from the fourth day of March, A. D. 1909, and on Wednesday, the 20th day of January, instant, at 12:00 o'clock, Meridian, the members of the two houses shall convene in joint session in the Halls of the House of Representatives and in the manner prescribed by law declare the person who has received a majority, duly elected Senator to represent the State of Illinois in the Congress of the United States for the term aforesaid; and if no person has received such majority, then proceed as prescribed in said law in joint assembly to choose a person for the purpose aforesaid.

Adopted by the House January 14, 1909.

Concurred in by the Senate January 19, 1909.

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UNITED STATES SENATOR—ELECTION BY POPULAR VOTE.

(House Joint Resolution No. 17.)

Applying to the Congress of the United States of America to call a Constitutional Convention for proposing an amendment to the Constitution of the United States of America, providing for the popular election of Senators to the Senate of the United States;

WHEREAS, There has been wide dissatisfaction with the present mode under the Federal Constitution of 1787, for the election of Senator to the Senate of the United States; and,

WHEREAS, Popular sovereignty, or the rule of the people, is the fundamental principle of the government of the several states, and of the general government; and,

WHEREAS, United States Senators under any theory of the present Constitution would represent states, and if elected by popular vote as well as if elected by the Legislature; therefore, be it

*Resolved, by the House of Representatives of the State of Illinois, the Senate concurring herein,* That the Congress of the United States call, and it is hereby requested to call, if the legislatures of two-thirds of the several states make like application, a convention of the several states for the purpose of proposing an amendment to the Constitution to [of] the United States of America, providing for the election of Senators to the Senate of the United States, by the direct vote of the people of the several states, in order that the said amendment, if formulated and adopted by such convention, may be duly ratified by the constitutional number of the states by their several legislatures, or by their several conventions.

Adopted by the House April 1, 1909.

Concurred in by the Senate April 7, 1909.

## UNIVERSITY OF ILLINOIS—CARNEGIE FOUNDATION.

(Senate Joint Resolution No. 10.)

WHEREAS, The Carnegie Foundation for the Advancement of Teaching, a corporation acting under a charter from the federal government of the United States, has adopted a plan of granting retiring allowances for long and distinguished service to the professors in those colleges and universities of the United States whose standards of work correspond to the demands set by the trustees of said Foundation; and,

WHEREAS, The trustees of said Foundation have provided that, in case State universities desire to secure the advantages of this system of retiring allowances for the members of their faculties, the request of the board of trustees of said universities asking for said privilege shall be approved by the Legislature of the State supporting said university; and,

WHEREAS, The Board of Trustees of the University of Illinois has requested said Foundation to place the State University of Illinois on the list of institutions to the members of whose faculties retiring allowances are granted under the rules of said Foundation; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein,* That the request of the Board of Trustees of the University of Illinois addressed to the Carnegie Foundation for the Advancement of Teaching to place the State University of Illinois on the list of institutions to the members of whose faculties retiring allowances are granted under the rules of said Foundation be hereby approved.

Adopted by the Senate February 3, 1909.

Concurred in by the House February 16, 1909.

## UNIVERSITY OF ILLINOIS—SCHEDULE OF SALARIES.

(Senate Joint Resolution No. 12.)

WHEREAS, It is the evident will of the people of this commonwealth that the University of Illinois shall be made so complete in its organization and equipment that no son or daughter of this State shall be obliged to seek in other states or other countries those advantages of higher education which are necessary to the greatest efficiency of social service either in public or private stations; and,

WHEREAS, The State of Illinois has imposed upon this institution, in its agricultural and engineering experiment stations, and in its graduate school, the duty of carrying on extensive and important investigations of vital interest to the agricultural industry and education of the State, and the conduct of these investigations calls for the very highest ability and the most thorough training on the part of those entrusted with their supervision; and,

WHEREAS, The great progress of this institution in the last five years has attracted the attention of the whole country and made other institutions desirous of drawing away the members of the faculties in said university; and,

WHEREAS, The present schedule of salaries is not sufficient to enable the institution to compete on equal grounds with other state and private universities in the United States; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein,* That it is the sense of this General Assembly that the board of trustees of the University of Illinois should adopt such a policy as will in their judgment attract to, and retain in, the service of the university and the State, the best available ability of this and other countries.

Adopted by the Senate February 10, 1909.

Concurred in by the House March 31, 1909.

UNITED STATES OF AMERICA, }  
 STATE OF ILLINOIS, } ss.

OFFICE OF THE SECRETARY OF STATE.

I, JAMES A. ROSE, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Forty-sixth General Assembly of the State of Illinois, passed and adopted at the regular biennial session thereof, are true and correct copies of the original Acts and Joint Resolutions now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus: [ ].

[SEAL.]

IN WITNESS WHEREOF, I hereto set my hand and affix  
 the Great Seal of State, at the city of Springfield, this  
 19th day of July, A. D. 1909.

JAMES A. ROSE,  
*Secretary of State.*



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